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No. 23]

NEW DELHI, MAY 30—JUNE 5, 2004, SATURDAY/JYAISTHA 9—JYAISTHA 15, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालयों की छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमण्डल सचिवालय

नई दिल्ली, 21 मई, 2004

क्र.आ. 1289.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 संपठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जम्मू और कश्मीर राज्य सरकार के गृह विभाग की अधिसूचना सं. होम/219/2003/आईएसए, दिनांक 17-02-2004 द्वारा प्राप्त जम्मू और कश्मीर राज्य सरकार की सहमति से सुश्री रोमिका शर्मा की मृत्यु के संबंध में पुलिस स्टेशन नवाबाद, जम्मू में दर्ज एफआईआर सं. 105/2003 दिनांक 18-7-2003 से उद्भूत राज्य रणवीर दंड संहिता, संवत् 1989 की धारा 302/498-ए/120-बी के अधीन दंडनीय अपराध और उसी संघर्षाचार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत उक्त अपराध से संबंधित अथवा संसक्त किसी अन्य अपराध के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण जम्मू और कश्मीर राज्य पर करती है।

[सं. 228/18/2004-डीएसपीई]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 21st May, 2004

S.O. 1289.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Jammu and Kashmir, Home Department Notification No. Home/219-2003/ISA, dated 17-02-2004 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for investigation of offence punishable under Section 302/498-A/120-B of State Ranbir Penal Code, Samvat 1989 arising out of FIR No. 105/2003, dated 18-07-2003 registered at Police Station Nawabad, Jammu regarding death of Ms. Romika Sharma and any other offence in relation to or in connection with the said offence committed in the course of the same transaction or arising out of the same facts.

[No. 228/18/2004-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 27 मई, 2004

का.आ. 1290.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित किए जाने वाले अपराधों के रूप में विनिर्दिष्ट करती है :—

(क) उत्तर प्रदेश गिरोह बन्द और समाज विरोधी कार्यकलाप (निवारण) अधिनियम, 1986 (1986 का उत्तर प्रदेश अधिनियम सं. 7) के अधीन दंडनीय अपराध।

(ख) उपर्युक्त खंड (क) में उल्लिखित अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत कोई अन्य अपराध।

[सं. 228/105/2003-डीएसपीई]

शुभा ठाकुर, अवर सचिव

New Delhi, the 27th May, 2004

S.O. 1290.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are to be investigated by the Delhi Special Police Establishment namely :—

(a) Offences punishable under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (Uttar Pradesh Act No. 7 of 1986).

(b) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned in clause (a) above and any other offence committed in the course of the same transaction or arising out of the same facts.

[No. 228/105/2003-DSPE]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 24 मई, 2004

(आयकर)

का.आ. 1291.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :

(i) अधिसूचित संगठन अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;

(ii) अधिसूचित संगठन प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उसे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, टेक्नालॉजी भवन, न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;

(iii) अधिसूचित संगठन केन्द्र सरकार की तरफ से नामोदिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) आयकर भवन, 9वां और 10वां तल, सैक्टर 3, वैशाली, गाजियाबाद (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स दि इन्टीट्यूशन आफ इंजीनियर्स (इंडिया) 8, गोखले रोड, कलकत्ता-700020	1-4-2001 से 31-3-2004

टिप्पणी - (i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

(ii) अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 151/2004 फा.सं. 203/16/2004-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 24th May, 2004

(INCOME TAX)

S.O. 1291.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under

the category "Institution" subject to the following conditions :—

(i) The organization shall maintain separate books of accounts for its research activities;

(ii) The notified organization shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

(iii) The notified organization shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemption), Aayakar Bhawan, 9th & 10th Floor, Sector 3, Vaishali, Ghaziabad (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S.No.	Name of the organisation	Period for which approved	Notification is effective
1.	M/s The Institution of Engineers (India), 8, Gokhale Road, Calcutta- 700020	1-4-2001 to 31-3-2004	

Notes : (i) Condition (i) above will not apply to the organization categorized as "Association".

(ii) The notified Association is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 151/2004/F. No. 203/16/2004-ITA-II]
SANGEETA GUPTA, Director (ITA-II)

विद्युत मंत्रालय

नई दिल्ली, 24 मई, 2004

का.आ. 1292.—सार्वजनिक परिसर (अनाधिकृत अधिभोक्ताओं की बेदखली) अधिनियम 1971 (1971 का 40) के खण्ड-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा विद्युत मंत्रालय में भारत सरकार की अधिसूचना संख्या एसओ 2649 दिनांक 12 सितम्बर, 2001 में निम्नलिखित संशोधन करती है;

कथित अधिसूचना में, तालिका के नीचे क्रम सं. 1 तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित का प्रयोग किया जायेगा, अर्थात् :—

क्रम सं.	अधिकारी का नाम और पदनाम	सार्वजनिक परिसरों की श्रेणियां और अधिकार-क्षेत्र की स्थानीय सीमाएं
(1)	(2)	
"1.	श्री बी.एम. सिंह उप-प्रबंधक (विधि) टाण्डा थर्मल स्टेशन, उत्तर प्रदेश	नैशनल थर्मल पावर कारपोरेशन लिमिटेड, टाण्डा थर्मल पावर स्टेशन, पो.ओ. विद्युतनगर, जिला, अम्बेडकर नगर, उत्तर प्रदेश के स्वामित्व वाली/पट्टे वाली और किराये की सभी भूमियों, क्वार्टरों, एस्टेट संपत्तियां और अन्य आवास"

[एफ सं. 8/6/1992-थर्मल-I]

अरविन्द जाधव, संयुक्त सचिव

पाद टिप्पणी—मुख्य अधिसूचना सं. एसओ 2649 दिनांक 12 सितम्बर, 2001 भारत के राजपत्र दिनांक 6 अक्टूबर, 2001 के भाग II खण्ड 3, उप-खंड (ii) में प्रकाशित हुई थी।

MINISTRY OF POWER

New Delhi, the 24th May, 2004

S.O. 1292.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power No. S.O. 2649, dated the 12th September, 2001, namely;

In the said notification, below the Table, for serial number 1 and the entries relating thereto, the following shall be substituted, namely :—

Sl. No.	Name and designation of officer	Categories of public premises and local limits of jurisdiction
(1)	(2)	
"1.	Shri B.M. Singh, Deputy Manager (Law), Tanda Thermal Power Station, Uttar Pradesh	All lands, quarters, estate properties and other accommodations owned/leased and rented by National Thermal Power Corporation Limited, Tanda Thermal Power Station, P.O. Vidyut Nagar, district Ambedkar Nagar, Uttar Pradesh."

[F. No. 8/6/1992-Th-I]

ARVIND JADHAV, Jt. Secy.

Foot Notes : Principal notification number S.O. 2649 dated the 12th September, 2001 was published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 6th October, 2001.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 मई, 2004

का.आ. 1293.— केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है की उड़िसा राज्य में पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है ओर जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए.

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबन्ध में श्री अशोक कुमार दास, सक्षम प्राधिकारी पारादीप हल्दिया पाइपलाइन परियोजना इंडियन ऑयल कॉरपोरेशन लिमिटेड, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग डिविजन हाउसिंग कम्पलेक्स, मेघदम्बारा, डाकघर - कुरुदा, बालासोर - 756056, (उड़िसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला : भद्रक

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
चान्दबाली	कूली	581	0	18	31
		652	0	04	36
		81	0	00	10
		82	0	00	78
		83	0	08	10
	गोलाडिहा	217	0	06	94
		225	0	00	76
		224	0	00	67
		218	0	00	62
		219	0	00	98
		220	0	00	15
		320	0	03	36
		309	0	00	49
		308	0	02	72
		307	0	01	25
		305	0	04	08
		304	0	00	25
		306	0	00	61
		302	0	01	79
		300	0	01	50
		301	0	00	10
		298	0	01	78
		297	0	04	09
		265	0	00	38
		296	0	00	10
		294	0	05	76
		293	0	03	59
		269	0	01	40
		292	0	00	80
		272	0	02	28
		273	0	04	21

1	2	3	4	5	6
		270	0	00	12
		274	0	00	69
		276	0	01	89
		588	0	02	02
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बालीगण		945	0	00	95
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		5241	0	03	95
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		2249	0	08	14
		2260	0	03	26
		2259	0	02	24
		2261	0	00	26
	बड़ाओस्तीया	1101	0	06	23
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		1100	0	00	91
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		1104	0	04	74
		1105	0	03	88
		1056	0	01	48

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		905	0	03	18
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		886	0	01	83
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		713	0	02	00
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		715	0	05	04
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		275	0	14	46
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		306	0	00	14
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		312	0	00	63
		314	0	05	26
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		322	0	00	96

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	पणसपाड़ा	972	0	04	53
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		969	0	06	27
		946	0	00	10
		947	0	03	22
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		950	0	00	10
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		967	0	01	49
		966	0	02	55
		965	0	02	77
		956	0	04	07
		919	0	01	31
		920	0	00	27
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		512	0	01	00
		513	0	04	92
		516	0	00	32
		517	0	01	22
		912	0	01	57
		518	0	01	01
		520	0	00	37
		911	0	02	79
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		1005	0	05	69
		909	0	00	76
		908	0	00	10
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		529	0	01	45
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		537	0	00	87
		538	0	01	38
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		543	0	00	10
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		564	0	02	54
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		983	0	00	10
		567	0	02	67
		568	0	00	61
		574	0	00	52
		640	0	00	85
		639	0	00	83
		638	0	03	45
		636	0	00	47
		637	0	00	23
		627	0	02	34
		628	0	02	22
		629	0	00	10
		626	0	05	14
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		617	0	00	34
		984	0	00	11
		610	0	01	93
		609	0	00	16
		612	0	00	18
		611	0	00	86
		661	0	01	98
	भाटपाड़ा	1722	0	03	48
		1723	0	02	78
		1721	0	05	22

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		1730	0	07	83
		1731	0	08	97
		1745	0	04	66
		1743	0	02	82
		1737	0	00	10
		1738	0	02	69
		1740	0	02	57
		1741	0	03	74
		1779	0	01	56
		4352	0	06	38
		1778	0	06	05
		1796	0	05	01
		1797	0	01	71
		1793	0	12	56
		1791	0	01	37
		1790	0	00	10
		1810	0	07	79
		1811	0	03	37
		1867	0	13	24
		1865	0	02	04
		1866	0	10	09
		1870	0	03	78
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		1947	0	03	62
		1948	0	04	06
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		1950	0	00	10
		1943	0	12	61
		1941	0	04	87
		1940	0	01	02
		1939	0	01	36
		2400	0	12	29
		4441	0	05	63
		2390	0	02	53
		2327	0	00	17
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		2446	0	02	88
		2445	0	02	17
		4411	0	03	13
		2590	0	01	86
		2632	0	01	23
		4582	0	06	02
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		2630	0	00	90
		2631	0	06	34
		2629	0	03	75
		2628	0	06	29
		4350	0	00	10
		2627	0	06	05
		2635	0	05	18
		2636	0	02	86
		2637	0	04	10
		2721	0	01	06
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		2723	0	00	10
		2724	0	03	62
		2718	0	05	00
		2725	0	00	40
		2715	0	09	13
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		631	0	03	19
		634	0	09	17
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		641	0	01	01
		640	0	05	13
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		646	0	11	52
		658	0	03	57
		657	0	05	26
		650	0	00	42
		656	0	14	38
		4306	0	01	92
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		560	0	02	15
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		337	0	00	56
		339	0	08	18
		338	0	04	42
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		4282	0	02	61
	जयकृष्णपुर	25	0	06	91
		26	0	02	86
	नवगरडा	39	0	00	67

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		42	0	05	78
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		54	0	04	95
		57	0	04	48
		56	0	00	14
		76	0	07	60
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		10	0	04	29
		9	0	00	32
		8	0	07	15
		6	0	00	75
		7	0	12	90
	चसाखण्ड	41	0	05	32
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		54	0	00	20
		50	0	02	31
		51	0	05	93
		52	0	00	10
		49	0	09	39
		43	0	15	53
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		44	0	05	17
		17	0	10	84
		18	0	00	10
		15	0	07	63
		12	0	07	05
	मोत्तो	466	0	00	57
		467	0	01	68
		471	0	01	89
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		423	0	10	22
		424	0	11	46
		158	0	16	51
		156	0	00	10
		185	0	11	67
		186	0	12	64
		187	0	03	86
		150	0	11	45
		189	0	11	99
		146	0	00	55
		145	0	15	10
		144	0	06	34
		142	0	18	06
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		216	0	11	71
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		217	0	06	63
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	प्रतापपुर	337	0	00	55

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		365	0	01	37
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		382	0	00	10
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		442	0	08	30
		434	0	03	35
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		431	0	02	13
		430	0	04	96
		445	0	03	36
		446	0	01	32
	नालगुण्डा	311	0	16	11

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		82	0	00	10
		79	0	07	03
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		64	0	03	63
		56	0	07	68
		61	0	05	41
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		60	0	02	31
		59	0	07	64
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		47	0	00	10
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कावपूनी		637	0	06	28
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		352	0	07	27
		357	0	01	97
		356	0	16	49
		355	0	02	59
		354	0	08	47
		374	0	07	73
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		588	0	07	76
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		402	0	05	14
		400	0	00	79
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		399	0	12	45
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		416	0	00	97
		151	0	00	23
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		152	0	02	61
		149	0	00	95
		153	0	02	03

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		147	0	02	69
		146	0	04	96
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		140	0	01	75
		143	0	01	29
		142	0	04	26
नूवागन		89	0	08	12
		87	0	00	29
		90	0	01	73
		91	0	05	63
		92	0	04	80
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		160	0	03	70
		154	0	00	10
		153	0	06	64
		152	0	06	72
		151	0	03	53
		167	0	06	92
		168	0	01	78
		174	0	01	53
		175	0	04	45
		179	0	00	57
		180	0	05	12
		173	0	00	23
		181	0	03	16

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		182	0	00	67
		183	0	01	44
		202	0	19	30
		203	0	03	44
	खेरंग	509	0	04	66
		510	0	13	37
		511	0	03	27
		526	0	08	10
		524	0	00	60
		525	0	01	28
		527	0	11	81
		523	0	06	34
		522	0	11	71
		533	0	00	49
		521	0	01	35
		534	0	06	11
		551	0	12	26
		553	0	14	63
		548	0	01	84
		433	0	01	36
		430	0	01	51
		431	0	09	70
		423	0	02	37
		422	0	10	59
		349	0	06	73
		348	0	05	35
		350	0	06	68
		343	0	14	69
		344	0	00	10
		335	0	02	28
		336	0	03	32
		324	0	11	34
		337	0	00	22
		323	0	03	63
		322	0	07	42
		295	0	06	32
		320	0	06	32
		296	0	02	94
		297	0	03	55

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		299	0	09	75
		313	0	03	88
		310	0	00	10
		311	0	08	56
		312	0	00	80
		309	0	02	89
		314	0	01	05
		275	0	04	39
		272	0	06	15
		271	0	01	24
		269	0	01	44
		252	0	01	08
		139	0	02	18
		77	0	02	55
		76	0	00	10
		81	0	00	85
		83	0	00	85
		82	0	12	69
		84	0	01	15
		85	0	01	25
		19	0	02	37
		18	0	04	92
		16	0	00	67
		22	0	00	97
		20	0	02	14
		21	0	02	73
		30	0	02	59
		33	0	10	83
		1	0	06	17
तिहीड़ी	बहारपाल	495	0	10	72
		493	0	00	10
		492	0	05	57
		491	0	09	37
		488	0	02	06
		480	0	10	91
		485	0	00	34
		481	0	00	10
		482	0	02	05
		479	0	05	31

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		483	0	00	37
		452	0	09	03
		450	0	08	04
		449	0	09	28
		138	0	00	10
		139	0	11	15
		134	0	00	24
		141	0	16	81
		142	0	00	17
		1628	0	01	73
		144	0	10	46
		131	0	00	10
		130	0	12	86
		129	0	09	05
		80	0	03	61
		81	0	07	06
		82	0	00	10
		78	0	05	36
		75	0	24	27
		77	0	03	25
		72	0	04	84
		71	0	04	81
		70	0	10	45
		52	0	00	10
		54	0	08	88
		45	0	00	57
		53	0	00	10
		37	0	11	44
		36	0	00	44
		35	0	04	02
		34	0	09	88
		28	0	03	96
		29	0	10	67
	लक्ष्मीप्रसाद	323	0	03	99
		335	0	00	10
		324	0	00	60
		320	0	08	31
		325	0	02	72
		326	0	00	31

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		260	0	00	55
		319	0	00	83
		263	0	04	36
		262	0	00	34
		297	0	00	27
		296	0	03	71
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		271	0	00	91
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		276	0	01	87
		277	0	04	18
		274	0	03	85
		280	0	00	17
		278	0	03	67
		167	0	01	68
		166	0	01	94
		165	0	05	14
		163	0	00	10
		164	0	04	60
संतरापूर		1749	0	00	10
		1355	0	07	67
		1358	0	00	10
		1356	0	07	76
		1357	0	10	29
		1345	0	03	51
		1361	0	00	10
		1340	0	14	48
		1339	0	03	25
		1332	0	00	10
		1333	0	06	56
		1334	0	10	26
		1330	0	03	00
		1328	0	13	49
		1768	0	07	49
		1203	0	09	43
		1202	0	01	72

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		1163	0	03	79
		1765	0	00	22
		1159	0	03	23
		1162	0	09	60
		1165	0	00	60
		1161	0	05	36
		1166	0	06	21
		1149	0	08	07
		1148	0	00	21
		1170	0	05	45
		1171	0	01	90
		1172	0	01	23
		1179	0	11	91
		1146	0	05	82
		1082	0	09	33
		1083	0	12	20
हरीसिंहपूर		855	0	00	10
		854	0	15	12
		856	0	23	29
		878	0	07	11
		876	0	00	10
		875	0	06	98
		874	0	03	47
		873	0	02	65
		872	0	00	61
		870	0	09	59
		900	0	05	18
		901	0	13	99
		902	0	09	06
		903	0	02	89
		917	0	00	18
		904	0	04	26
		905	0	02	74
		906	0	02	61
		909	0	00	52
		908	0	04	40
		907	0	03	09
		831	0	01	78
		832	0	00	89

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		833	0	00	97
		839	0	05	56
	भानूपुर	185	0	05	31
		186	0	01	78
		188	0	00	86
		187	0	02	21
		190	0	00	36
		194	0	00	10
		193	0	07	00
		192	0	00	42
		196	0	03	24
		197	0	01	16
		198	0	00	97
		128	0	00	96
		127	0	00	87
		126	0	00	93
		125	0	00	68
		124	0	01	13
		123	0	32	74
		36	0	10	80
		35	0	00	35
	कान्हापुर	398	0	00	11
		399	0	00	10
		400	0	06	68
		401	0	06	69
		403	0	05	70
		404	0	04	20
		405	0	00	82
		406	0	00	56
		408	0	02	20
		415	0	05	64
		412	0	03	80
		414	0	02	82
		413	0	01	57
		366	0	12	46
		369	0	00	10
		370	0	01	77
		385	0	04	17

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		371	0	03	52
		358	0	05	85
		357	0	00	76
		356	0	06	40
		351	0	16	25
		339	0	00	73
		335	0	14	03
		334	0	05	24
		326	0	00	10
		327	0	05	68
		328	0	01	10
		308	0	05	45
		307	0	15	16
		306	0	01	04
		34	0	00	66
		33	0	23	35
		74	0	01	49
		31	0	00	73
		3	0	06	10
		13	0	09	12
		14	0	02	45
		15	0	05	74
		12	0	02	33
	सन्डंकपुर	115	0	12	72
		123	0	00	55
		99	0	12	64
		47	0	10	57
		48	0	02	44
		49	0	05	02
		52	0	06	17
		51	0	05	20
		50	0	00	10
		31	0	05	35
		30	0	00	10
		33	0	13	13
		28	0	01	81
	मोमानीपुर	59	0	02	59
	ताराचन्दबिन्धा	616	0	00	27

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		590	0	41	22
		584	0	00	44
		581	0	01	03
		551	0	00	52
		552	0	10	57
		555	0	12	54
		554	0	19	66
		557	0	00	86
		573	0	00	10
		572	0	02	17
		571	0	06	60
		570	0	02	33
	बबनबिन्धा	1314	0	00	10
		2406	0	07	25
		1310	0	01	54
		1311	0	01	08
		1309	0	07	14
		1306	0	07	22
		1307	0	01	08
		1302	0	10	87
		1291	0	02	62
		1288	0	00	65
		1287	0	06	95
		1301	0	00	13
		1285	0	11	11
		1286	0	02	74
		1272	0	04	16
		1273	0	04	85
		1265	0	05	64
		1263	0	07	78
		1262	0	02	55
		1261	0	04	33
		1053	0	00	59
		1054	0	01	37
		1062	0	03	76
		1061	0	06	57
		1058	0	02	41
		1057	0	00	74
		1047	0	04	28

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		1043	0	02	33
		1045	0	01	55
		1044	0	02	16
		1034	0	00	10
		1033	0	03	53
		1032	0	02	74
		1030	0	17	69
		1005	0	10	00
		1006	0	07	24
		1007	0	03	88
		1009	0	00	93
		1008	0	01	42
		970	0	00	10
		942	0	14	66
		944	0	00	10
		943	0	02	87
		917	0	09	96
		916	0	00	94
		902	0	16	76
		903	0	02	25
		904	0	01	17
		905	0	01	72
		907	0	11	26
		906	0	05	47
हाबुडासिंह		162	0	08	44
		159	0	01	70
		160	0	04	08
		156	0	06	07
		155	0	00	88
		158	0	00	92
		124	0	01	66
		126	0	05	97
		127	0	13	30
		129	0	00	85
		91	0	00	61
		143	0	06	58
		165	0	02	78
		134	0	09	87
		135	0	01	83

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		142	0	00	89
		136	0	01	14
		141	0	01	58
		138	0	00	61
		139	0	01	23
		39	0	01	28
		38	0	02	04
साहपुर		1183	0	10	29
		1182	0	00	23
		1165	0	12	27
		1164	0	10	92
		295	0	04	44
		300	0	04	54
		299	0	13	14
		298	0	06	70
		256	0	00	10
		304	0	00	10
		305	0	09	48
		255	0	08	73
		251	0	00	45
		253	0	05	96
		252	0	06	57
		250	0	03	46
		151	0	13	00
		154	0	10	50
		155	0	00	33
		156	0	13	75
		127	0	07	56
		112	0	10	51
		111	0	01	71
		113	0	05	84
		88	0	10	21
		89	0	02	96
		91	0	10	15
		93	0	03	52
		94	0	02	17
		95	0	02	94
		97	0	00	50

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	कबीरपुर	1326	0	11	11
		1327	0	01	66
		1240	0	00	19
		1238	0	05	21
		1239	0	03	93
		1265	0	00	20
		1241	0	01	12
		1242	0	10	16
		1264	0	07	05
		1245	0	00	10
		1247	0	02	84
		1248	0	04	98
		124	0	05	56
		1225	0	05	71
		1222	0	13	43
		1210	0	05	98
		1483	0	03	11
		1208	0	03	01
		1207	0	07	30
		1195	0	03	62
		1196	0	00	10
		1194	0	02	23
		1193	0	00	50
		1116	0	07	82
		1431	0	01	97
		1115	0	08	03
		1114	0	06	79
	जाफ़ाबाद	515	0	07	71
		514	0	03	90
		512	0	04	61
		513	0	06	93
		1142	0	03	63
		1143	0	02	66
		511	0	02	23
		509	0	00	34
		1144	0	13	10
		526	0	00	55
		508	0	01	35

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		506	0	09	27
		504	0	44	21
		494	0	00	58
		557	0	04	56
		559	0	07	56
		485	0	01	99
		483	0	00	10
		1139	0	01	73
		477	0	04	98
		478	0	06	85
		479	0	00	69
		475	0	10	14
		450	0	13	04
		327	0	01	92
		448	0	01	72
		330	0	10	14
		443	0	03	79
		442	0	11	05
		336	0	00	48
		337	0	02	82
		441	0	00	60
		338	0	05	47
		440	0	09	70
		1120	0	02	39
		354	0	03	02
		1184	0	00	10
		356	0	00	92
		1183	0	01	74
		355	0	09	10
		1182	0	03	77
		421	0	01	83
		397	0	00	71
		419	0	02	18
		400	0	01	91
		407	0	01	14
		408	0	04	15
	नव्हनीपाल	282	0	02	16
		142	0	23	08
		266	0	04	23

1	2	3	4	5	6
		265	0	00	10
		155	0	16	89
		161	0	06	61
		162	0	00	37
		160	0	02	56
		159	0	09	91
		163	0	11	01
		158	0	00	10
		165	0	00	10
		164	0	05	43
		187	0	00	10
		35	0	18	96
		22	0	01	08
		13	0	02	11
		12	0	01	87
		23	0	00	75
		24	0	02	58
		25	0	03	97
		10	0	03	49
		289	0	09	52
बहावलपुर		1506	0	03	94
		1505	0	02	90
		1494	0	04	54
		1493	0	04	02
		1237	0	02	85
		1241	0	06	25
		1982	0	01	12
		1242	0	13	00
		1231	0	15	32
		1248	0	00	10
		1250	0	02	43
		1252	0	00	71
		1249	0	09	52
		1457	0	00	15
		1248	0	00	10
		1251	0	07	77
		1981	0	06	80
		1280	0	10	64
		1451	0	00	10

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		1259	0	05	63
		1448	0	03	63
		1276	0	01	19
		1275	0	00	18
		1273	0	09	36
		1279	0	00	82
		1280	0	01	82
		1281	0	01	95
		1283	0	10	59
		1284	0	00	96
		1285	0	02	60
		1107	0	01	50
		1105	0	02	88
		1108	0	00	10
		1106	0	02	28
		1104	0	06	18
		1101	0	13	77
		1102	0	05	50
बासुदेबपुर	कोरबाटीयाबड़ा	461	0	03	94
		462	0	00	45
		466	0	03	42
		463	0	00	57
		465	0	02	05
		467	0	06	02
		456	0	01	14
		468	0	00	41
		455	0	06	49
		451	0	13	12
		412	0	00	95
		418	0	02	14
		417	0	09	08
		416	0	06	21
		271	0	07	48
		244	0	07	27
		247	0	01	01
		246	0	00	10
		245	0	10	00
		249	0	00	52
		243	0	09	54

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		250	0	03	79
		253	0	15	02
		255	0	03	13
		257	0	16	87
		269	0	00	10
		268	0	00	10
		267	0	01	20
		33	0	09	20
		28	0	16	56
		30	0	08	43
		27	0	01	33
		41	0	00	51
		46	0	00	10
		15	0	00	10
		14	0	16	12
		13	0	11	55
		10	0	06	62
		5	0	04	23
मबादिला		116	0	06	10
		115	0	01	17
		113	0	00	34
		117	0	01	11
		112	0	00	21
		118	0	08	53
		121	0	04	18
		122	0	10	37
		123	0	09	10
		124	0	09	04
		128	0	01	46
		254	0	01	37
		255	0	17	13
		253	0	18	61
		252	0	00	10
		150	0	10	20
		149	0	03	13
		151	0	02	80
		146	0	07	29
		156	0	09	35
		157	0	05	95

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		163	0	01	71
	जगन्नाथप्रसाद	1973	0	06	40
		1974	0	05	81
		1976	0	01	23
		1977	0	10	11
		1376	0	03	82
		1375	0	01	88
		1343	0	06	41
		1342	0	05	18
		1341	0	08	48
		1344	0	00	10
		1347	0	00	74
		1350	0	08	24
		1349	0	02	56
		1355	0	05	69
		1356	0	09	65
		1354	0	00	24
		1252	0	10	29
		1251	0	04	16
		1253	0	01	78
		1254	0	04	97
		1255	0	01	81
		1257	0	06	14
		1250	0	05	77
		265	0	05	94
		269	0	04	83
		264	0	00	63
		270	0	03	94
		262	0	00	69
		247	0	04	53
		261	0	01	15
		248	0	08	71
		255	0	10	68
		196	0	02	24
		195	0	07	45
		194	0	03	46
		193	0	09	95
		51	0	13	09
		54	0	05	53

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		56	0	08	28
		57	0	09	36
		55	0	00	10
		58	0	05	38
		68	0	00	62
		67	0	01	40
		66	0	02	83
		65	0	07	82
		64	0	00	10
		75	0	09	32
		76	0	13	05
		95	0	04	34
		90	0	01	45
		83	0	01	45
		85	0	00	60
		89	0	01	39
		86	0	02	30
		88	0	01	07
		87	0	01	30
		93	0	12	66
		94	0	06	33
		103	0	01	38
		97	0	00	31
		96	0	03	69
जयकृष्णपुर		609	0	11	71
		610	0	00	10
		593	0	07	21
		592	0	04	61
		586	0	00	96
		585	0	00	24
		587	0	03	81
		561	0	01	66
		562	0	02	95
		558	0	12	29
		507	0	06	10
		564	0	00	10
		506	0	10	27
		503	0	13	55

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		496	0	03	15
		497	0	00	10
		495	0	04	67
		473	0	03	14
		474	0	02	26
		476	0	00	10
		475	0	15	08
		467	0	00	30
		438	0	00	52
		439	0	07	70
		440	0	11	45
		429	0	02	54
		426	0	12	24
		423	0	02	53
		422	0	02	62
		421	0	04	68
		420	0	07	02
		419	0	08	63
		417	0	07	74
		416	0	04	60
		414	0	04	50
		411	0	01	02
		68	0	09	87
		77	0	15	08
		71	0	04	95
		73	0	05	39
		72	0	12	17
		60	0	06	49
		206	0	04	01
		59	0	02	58
		18	0	00	59
		19	0	08	42
		9	0	03	90
		10	0	02	04
		8	0	05	71
		6	0	02	77
		22	0	04	60
		24	0	04	22
		25	0	01	46

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		4	0	02	66
		2	0	17	99
	काशीअभिराम	97	0	10	68
		96	0	05	99
		95	0	00	26
		90	0	11	43
		23	0	00	97
		21	0	12	38
		20	0	02	63
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		27	0	00	21
		16	0	02	98
		6	0	24	07
		3	0	10	66
		4	0	00	18
		2	0	10	04
		1	0	04	18
	कामारगन	3753	0	02	53
		3751	0	02	35
		3752	0	00	48
		3749	0	01	35
		3738	0	00	29
		3739	0	03	58
		3736	0	12	89
		3742	0	03	06
		3712	0	02	11
		3697	0	08	73
		3696	0	05	95
		3679	0	00	10
		3676	0	13	85
		3744	0	03	86
		3668	0	00	48
		3667	0	04	28
		3666	0	11	79
		3665	0	05	00
		3664	0	08	87
		3660	0	09	23

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		3662	0	05	38
		3014	0	09	34
		2973	0	07	52
		2972	0	11	06
		2968	0	05	81
		2971	0	03	69
		2969	0	06	37
		2967	0	07	54
		2962	0	02	95
		2963	0	03	87
		2964	0	05	53
		3944	0	04	11
		2933	0	05	10
		2924	0	04	33
		2925	0	06	76
		2929	0	03	54
		2926	0	00	10
		2927	0	02	28
		2928	0	05	87
		2912	0	04	37
		2934	0	05	52
		2935	0	05	53
		2884	0	02	21
चिरोल		1451	0	00	74
		1450	0	22	97
		1449	0	08	73
		1448	0	02	44
		1447	0	10	65
		1438	0	03	16
		1446	0	00	17
		1441	0	01	65
		1445	0	11	29
		1407	0	03	48
		1406	0	00	83
		1409	0	05	50
		1408	0	05	85
		1411	0	06	29
		1404	0	01	62

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		1402	0	13	45
		1414	0	02	55
		1415	0	05	67
		1416	0	01	50
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		1396	0	11	52
		1388	0	03	29
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		1390	0	01	24
		1391	0	04	03
		1272	0	08	53
		1271	0	03	76
		1270	0	00	95
		1275	0	02	59
		1267	0	00	61
		1266	0	12	15
		1264	0	00	10
		1265	0	06	55
		1212	0	05	00
	बेलासाँवलिया	1730	0	04	53
		1713	0	00	26
		1711	0	01	
		1667	0	02	32
		1710	0	14	75
		1674	0	01	33
		1675	0	00	42
		1676	0	04	19
		1677	0	03	56
		1678	0	00	10
		1693	0	01	35
		1692	0	07	21
		1694	0	00	23
		1695	0	00	16
		1696	0	06	90
		1697	0	01	10
		1698	0	03	22

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	खारिड़ाबिनायकपुर	3378	0	01	51
		3067	0	01	46
		3040	0	04	36
		3039	0	07	78
		3038	0	02	38
		3037	0	02	02
		1430	0	08	07
		1438	0	08	32
		1442	0	18	18
		1449	0	00	13
		1450	0	12	87
		1422	0	00	61
		1462	0	00	10
		1451	0	08	10
		1452	0	00	75
		1459	0	00	53
		1456	0	07	36
		1453	0	03	86
		1454	0	06	48
		1223	0	16	10
		1221	0	00	10
		1222	0	01	45
		1100	0	00	10
		1099	0	06	52
		1098	0	05	67
		1097	0	00	35
		970	0	11	70
		998	0	01	31
		976	0	02	53
		975	0	01	21
		974	0	00	10
		977	0	00	77
		967	0	06	40
		980	0	00	63
		963	0	01	65
		964	0	01	52
		965	0	00	20
		962	0	01	53
		961	0	07	97

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		910	0	01	75
		911	0	00	64
		912	0	03	59
		914	0	03	17
		921	0	13	77
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		922	0	01	25
		933	0	05	61
		923	0	01	62
		932	0	01	09
		924	0	06	64
		925	0	01	86
		714	0	04	00
		927	0	21	35
		3871	0	08	70
		401	0	07	12
		398	0	02	07
		397	0	02	83
		396	0	07	21
		384	0	00	10
		386	0	09	15
		347	0	01	45
		348	0	00	10
		349	0	03	22
		350	0	03	39
		351	0	01	35
		361	0	02	22
		360	0	04	18
		359	0	03	22
		355	0	02	40
		356	0	02	99
		357	0	02	10
		275	0	02	58
		274	0	01	97
		273	0	05	04
		241	0	06	16

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		243	0	00	10
		244	0	02	85
		245	0	03	19
		247	0	00	10
		246	0	03	44
		227	0	00	90
		224	0	01	60
		226	0	02	78
		225	0	03	62
		216	0	00	10
		217	0	02	03
		219	0	00	34
		218	0	04	14
		147	0	01	03
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		149	0	00	10
		145	0	04	80
		144	0	03	82
		142	0	07	88
		121	0	00	23
		122	0	01	93
		123	0	01	33
		125	0	00	62
		126	0	00	10
		129	0	00	23
		130	0	22	52
		13	0	07	19
		14	0	01	47
		3834	0	04	09
		15	0	02	92
		16	0	01	44
		17	0	00	48
		18	0	00	10
		9	0	26	87
		7	0	01	64
		1	0	07	90
	बासुदेबपूर	4352	0	28	25
		4398	0	06	69

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		4397	0	02	82
		4396	0	02	22
		4395	0	03	99
		4393	0	01	26
		4394	0	00	17
		4392	0	05	59
		4391	0	00	10
	बागदाबिनायकपुर	2264	0	06	52
		2263	0	00	10
		2261	0	04	92
		2260	0	01	53
		2259	0	02	24
		2255	0	00	90
		2256	0	01	93
		2257	0	01	81
		2241	0	01	09
		2240	0	01	63
		2239	0	09	48
		3453	0	00	23
		2222	0	14	66
	सुखदेबपुर	542	0	01	23
		529	0	02	72
		528	0	00	14
		527	0	02	66
		1472	0	01	41
		526	0	02	26
		522	0	01	73
		524	0	01	77
		523	0	06	00
		520	0	06	09
		517	0	01	51
		516	0	08	24
		502	0	01	98
		505	0	02	11
		1473	0	00	60
		506	0	02	32
		504	0	01	70
		507	0	00	59

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		370	0	01	39
		371	0	00	82
		33	0	05	30
		34	0	06	42
		35	0	03	06
		37	0	05	69
		36	0	03	18
	साबरपुर	182	0	05	05
		186	0	00	87
		183	0	02	04
		185	0	01	74
		184	0	09	42
		199	0	06	56
		200	0	06	57
		235	0	00	16
		234	0	00	13
		210	0	07	59
		209	0	00	49
		130	0	04	87
		128	0	00	86
		129	0	06	36
		124	0	00	10
		117	0	08	76
		118	0	00	37
		93	0	09	86
		115	0	07	42
		116	0	05	45
		112	0	01	01
		111	0	03	77
		104	0	00	59
		102	0	03	26
		101	0	01	02
		100	0	02	15
		99	0	02	84
	सुगुंडा	674	0	05	31
		675	0	00	76
		676	0	05	57

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		686	0	02	10
		687	0	07	08
		698	0	11	15
		696	0	08	55
		694	0	02	91
		704	0	01	60
		705	0	13	14
		709	0	05	79
		551	0	06	60
		550	0	00	47
		552	0	01	32
		549	0	05	59
		548	0	00	18
		546	0	09	74
		723	0	00	26
		520	0	05	73
		521	0	04	15
		516	0	22	30
		302	0	01	50
		301	0	01	66
		300	0	01	76
		73	0	00	72
		74	0	00	10
		76	0	12	50
		83	0	17	83
		93	0	09	76
		92	0	07	60
		97	0	05	74
		98	0	04	15
		100	0	07	30
		110	0	11	11
		112	0	00	10
		109	0	05	41
		108	0	01	87
		115	0	04	97
		114	0	00	67
		126	0	07	52
		127	0	01	60

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		132	0	06	70
		133	0	00	94
		135	0	00	52
		136	0	02	25
		5	0	08	04
	कलासिया	131	0	04	44
		137	0	00	62
		136	0	00	10
		132	0	06	29
		133	0	01	12
		134	0	03	45
		130	0	00	48
		192	0	04	68
		187	0	10	39
		111	0	05	03
		150	0	00	10
		151	0	00	88
		153	0	02	30
		152	0	01	40
		156	0	00	10
		155	0	00	18
		154	0	04	58
		200	0	05	51
		157	0	03	37
		158	0	01	57
		164	0	10	40
		165	0	05	41
		166	0	00	78
	गुआगन	585	0	08	13
		582	0	03	57
		586	0	01	61
		587	0	01	08
		607	0	10	38
		680	0	11	46
		610	0	00	10
		611	0	02	25
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		675	0	13	39
		661	0	05	07
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		696	0	01	47
		697	0	01	96
		698	0	01	24
		719	0	03	46
		718	0	08	94
		717	0	05	82
		722	0	00	50
		908	0	05	02
		907	0	00	54
		906	0	09	18
		911	0	01	91
		912	0	01	86
		913	0	01	39
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		920	0	04	29
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		930	0	05	82
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		2031	0	04	93
		2027	0	03	65
		2028	0	04	77
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		2024	0	00	50
		2001	0	12	91
		1897	0	08	50
		1760	0	00	65
		1761	0	03	84
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		1781	0	08	49
		1783	0	01	53
		1780	0	07	53
		1774	0	01	38

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		1707	0	13	57
		1706	0	00	18
		1652	0	03	48
		1651	0	02	61
		1629	0	00	29
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		1648	0	06	50
		1647	0	00	10
		1646	0	04	21
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		1641	0	01	79
		1640	0	00	71
		1639	0	00	18
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		1578	0	02	82
		1577	0	02	36
		1576	0	04	14
		1575	0	00	18
		1574	0	02	31
		1573	0	02	13
		1572	0	02	42
		1571	0	04	26
		1552	0	10	85
		1554	0	17	42
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		1547	0	19	38
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		1432	0	01	85
		1434	0	06	74
		1435	0	07	78
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		1454	0	16	32
		1470	0	20	94
		1477	0	00	51
		1476	0	03	49
		1474	0	13	25
		1473	0	03	98
	बाखरपुर	151	0	06	74
		152	0	03	51
		140	0	00	15
		141	0	12	31
		142	0	00	24
		127	0	02	00
		123	0	03	30
		126	0	04	93
		125	0	05	60
		113	0	00	13
		114	0	08	03
	बासहत्ती	348	0	03	98
		349	0	06	22
		351	0	02	42
		362	0	01	06
		363	0	02	25
		352	0	01	32
		356	0	00	10
		360	0	08	41
		358	0	04	93
		359	0	00	10
		357	0	03	10
		324	0	00	63

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		281	0	03	33
		278	0	01	24
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		275	0	06	48
		273	0	03	42
		272	0	05	27
		270	0	00	76
		269	0	00	45
		148	0	00	33
		149	0	00	20
		147	0	05	77
		145	0	03	07
		150	0	00	10
		144	0	02	83
		143	0	15	13
		142	0	05	48
		30	0	09	44
		31	0	00	10
		32	0	09	87
		29	0	00	10
		23	0	07	18
		27	0	00	10
		24	0	04	07
		25	0	03	85
		21	0	01	76
		26	0	02	30
		8	0	00	58
		11	0	11	62
		9	0	00	10
		10	0	01	00
	सुदर्शनपुर	1994	0	65	30
		1993	0	00	10
	सुआंन	1099	0	07	22
		1100	0	00	44
		1101	0	01	47
		1106	0	10	24

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		2604	0	05	15
		1105	0	00	47
		1119	0	09	75
		1118	0	00	20
		1110	0	00	10
		1117	0	03	40
		1116	0	08	01
		1115	0	01	16
		1175	0	00	48
		1174	0	03	83
		1173	0	01	15
		1171	0	00	63
		1172	0	04	74
		1166	0	04	33
		1180	0	05	12
		1181	0	03	36
		1182	0	02	64
		1183	0	00	28
		1184	0	03	41
		1189	0	07	33
		1188	0	00	10
		1190	0	00	90
		1194	0	06	25
		1193	0	04	48
		1196	0	00	91
		2606	0	00	10
		2605	0	00	47
		1199	0	00	10
		1197	0	09	26
		1232	0	01	06
		1230	0	04	18
		1231	0	00	55
		1204	0	01	65
		1216	0	08	74
		1215	0	00	10
		1214	0	01	46

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		1211	0	00	10
		1297	0	01	00
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		1380	0	01	06
		1395	0	05	46
		1392	0	10	50
		1394	0	07	51
		1393	0	00	65
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		1535	0	03	58
		1533	0	00	49
		1536	0	04	62
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		1545	0	03	39
		1546	0	05	44
		1543	0	07	13
		1542	0	00	10
		1550	0	02	92
		1551	0	02	40
		1567	0	02	60
		1562	0	00	23
		1565	0	05	24
		1564	0	05	30
		1563	0	05	08
		1170	0	03	35
		2623	0	01	06
		1574	0	03	66
		1581	0	15	52
		1614	0	06	00
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		1607	0	02	98
		1606	0	04	39
		1627	0	10	61
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		1653	0	02	92
		1654	0	04	94
		1655	0	01	90
		1656	0	04	04
		1658	0	03	55
		1657	0	02	62
		1659	0	04	16
अस्तुंग		778	0	16	15
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		671	0	00	10
		673	0	01	91
		677	0	00	35
		679	0	00	85
		676	0	00	50
		523	0	03	19
		522	0	03	60
		511	0	01	96
		510	0	01	76
		512	0	10	63
		513	0	04	99
		514	0	02	18
		496	0	01	44
		495	0	02	83
		516	0	01	24
		391	0	01	98
		493	0	00	10
		494	0	02	55
		492	0	00	10
		392	0	00	78
		394	0	05	94
		323	0	00	57
		322	0	02	37

1	2	3	4	5	6
		324	0	00	19
		321	0	02	66
		322	0	03	24
		326	0	07	44
		260	0	01	65
		265	0	05	74
		261	0	00	66
		262	0	00	10
		3929	0	10	00
		254	0	06	23
		266	0	00	10
		206	0	01	79
		3994	0	01	84
		252	0	00	37
		207	0	01	74
		208	0	02	86
		210	0	02	93
		209	0	04	70
		122	0	11	78
		180	0	01	09
		181	0	00	10
		159	0	02	53
		3711	0	00	10
		123	0	00	10
		133	0	09	48
		91	0	00	10
		92	0	01	79
		3818	0	02	05
		93	0	04	20
		3817	0	00	10
		83	0	02	21
		84	0	02	42
		88	0	00	91
		85	0	01	64
		87	0	03	22
		73	0	00	10
		86	0	01	45
		74	0	07	87
		28	0	02	82

1	2	3	4	5	6
		26	0	03	35
		27	0	05	97
	दामोदरपुर	46	0	05	86
		47	0	00	37
		48	0	00	75
		49	0	01	52
		50	0	01	60
		51	0	01	96
		45	0	02	02
		39	0	06	59
		37	0	08	75
		32	0	02	42
		36	0	05	94
		35	0	01	66
		33	0	02	43
		34	0	02	92
		812	0	04	51
		17	0	02	99
		18	0	11	04
		19	0	05	86
	मारुहा	131	0	01	28
		133	0	01	78
		132	0	02	57
		130	0	01	51
		129	0	01	18
		40	0	06	06
		39	0	00	10
		41	0	10	11
		126	0	00	32
		127	0	00	10
		92	0	02	73
		91	0	01	79
		89	0	06	40
		87	0	00	62
		88	0	07	61
		84	0	00	10
		3929	0	01	90
		85	0	02	61

1	2	3	4	5	6
		86	0	01	92
		3927	0	00	12
		3928	0	03	14
		79	0	13	69
		58	0	01	88
		60	0	00	37
		59	0	00	85
		67	0	05	09
		62	0	00	10
		63	0	06	84
		65	0	06	84
राधामोहनपुर		973	0	06	86
		972	0	11	70
		978	0	04	74
		985	0	03	57
		986	0	00	86
		987	0	00	43
		983	0	05	19
		988	0	06	02
		993	0	00	45
		992	0	05	74
		994	0	01	62
		995	0	02	31
		1001	0	00	68
		1000	0	05	43
		1007	0	09	74
		1005	0	02	46
		1011	0	11	69
		1012	0	00	55
		922	0	02	29
		886	0	00	10
		884	0	00	96
		882	0	03	05
		883	0	05	68
		835	0	02	03
		877	0	07	77
		876	0	00	88
		875	0	04	70
		870	0	02	68

1	2	3	4	5	6
		869	0	03	71
		851	0	00	36
		865	0	03	36
		864	0	01	43
		866	0	01	58
		855	0	04	55
		854	0	02	16
		790	0	05	34
		789	0	04	36
		787	0	03	35
		786	0	09	85
		256	0	03	00
		255	0	03	83
		257	0	04	59
		1564	0	01	08
		267	0	00	44
		264	0	05	18
		266	0	05	88
		269	0	02	41
		270	0	08	13
		1633	0	00	10
		271	0	01	14
		272	0	09	48
		273	0	01	33
		486	0	05	18
		1611	0	04	45
		481	0	00	42
		478	0	00	10
		477	0	15	26
		475	0	03	40
		476	0	01	88
		473	0	10	76
		1714	0	00	10
		472	0	02	10
		303	0	01	79
		467	0	00	10
		469	0	04	68
		468	0	06	83
		463	0	06	69

1	2	3	4	5	6
		461	0	06	79
		460	0	05	29
		459	0	04	24
		376	0	00	10
		449	0	10	36
		448	0	07	94
		444	0	06	33
		451	0	00	10
		443	0	03	91
		433	0	00	10
		428	0	02	44
		427	0	04	18
		425	0	01	29
		426	0	03	20
		419	0	02	62
		420	0	01	17
		424	0	02	69
		421	0	02	11
		422	0	01	52
		423	0	03	82
		408	0	01	89
		627	0	02	55

[फा. सं. आर-25011/11/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas**New Delhi, the 31st May, 2004**

S.O. 1293.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri. Ashok Kumar Dash, Competent Authority, Paradip – Haldia Pipeline Project, Indian Oil Corporation Limited, Indian Oil Corporation Limited Marketing Housing Complex, Meghadambara, Post office- Kuruda, Balasore – 756 056 (Orissa).

Schedule**District : Bhadrak****State : Orissa**

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Chandbali	Kuli	581	0	18	31
		652	0	04	36
		81	0	00	10
		82	0	00	78
		83	0	08	10
	Goladiha	217	0	06	94
		225	0	00	76
		224	0	00	67
		218	0	00	62
		219	0	00	98
		220	0	00	15
		320	0	03	36
		309	0	00	49
		308	0	02	72
		307	0	01	25
		305	0	04	08
		304	0	00	25
		306	0	00	61
		302	0	01	79
		300	0	01	50
		301	0	00	10
		298	0	01	78
		297	0	04	09
		265	0	00	38
		296	0	00	10
		294	0	05	76
		293	0	03	59
		269	0	01	40
		292	0	00	80
		272	0	02	28
		273	0	04	21
		270	0	00	12
		274	0	00	69
		276	0	01	89
		588	0	02	02
		587	0	03	83
		584	0	01	20
		586	0	00	10
		585	0	02	54
		583	0	00	10
		608	0	10	48

1	2	3	4	5	6
		579	0	00	10
		609	0	00	10
		577	0	06	96
		573	0	01	66
		576	0	00	45
		574	0	02	08
		575	0	03	25
		561	0	02	35
		628	0	05	44
		560	0	00	33
		629	0	00	84
		559	0	00	84
		558	0	00	73
		557	0	00	74
		556	0	02	54
		495	0	12	98
		555	0	01	25
		496	0	03	09
		497	0	03	94
		498	0	03	25
		552	0	00	76
		549	0	00	82
		548	0	02	43
		546	0	00	10
		547	0	05	60
		543	0	06	93
		537	0	08	10
		538	0	03	80
		541	0	00	28
		542	0	00	15
		539	0	00	96
		540	0	01	19
		27	0	06	05
	Baligan	945	0	00	95
		946	0	03	94
		947	0	03	86
		948	0	01	72
		949	0	05	36
		3548	0	00	10
		5486	0	02	97
		3521	0	05	57
		3520	0	01	73
		3519	0	03	90
		3522	0	02	28
		3492	0	00	10
		3523	0	06	17

1	2	3	4	5	6
		3491	0	06	49
		3485	0	00	10
		3486	0	00	10
		3490	0	00	47
		5505	0	02	32
		3494	0	02	89
		3467	0	02	19
		3464	0	04	61
		3466	0	01	22
		3465	0	02	14
		3434	0	03	92
		3433	0	00	52
		3428	0	05	02
		3427	0	05	17
		3426	0	04	44
		3416	0	01	97
		3415	0	01	05
		3414	0	00	10
		5050	0	12	40
		3417	0	01	48
		3418	0	00	16
		3377	0	02	82
		3376	0	01	97
		3382	0	03	93
		3385	0	01	96
		3383	0	01	81
		3384	0	00	90
		3364	0	12	37
		3365	0	00	10
		3764	0	00	77
		3771	0	03	25
		3772	0	02	35
		3773	0	05	44
		3770	0	00	33
		5526	0	00	84
		3767	0	01	30
		3776	0	00	63
		5501	0	02	83
		3777	0	00	58
		3824	0	01	42
		3825	0	02	23
		3823	0	03	08
		3826	0	00	10
		3833	0	03	77
		3832	0	02	99
		3831	0	02	14

1	2	3	4	5	6
		3852	0	02	68
		3850	0	02	07
		3849	0	02	28
		3848	0	12	94
		3975	0	04	98
		3974	0	02	37
		3973	0	02	47
		3971	0	00	17
		3972	0	00	56
		3977	0	02	03
		3978	0	01	68
		5286	0	02	00
		3219	0	01	83
		3218	0	03	11
		3217	0	04	03
		5037	0	00	10
		3211	0	01	71
		3212	0	01	51
		3216	0	01	36
		3215	0	01	48
		5334	0	01	57
		3214	0	01	81
		5300	0	01	33
		3081	0	01	66
		3080	0	00	83
		3082	0	02	10
		3079	0	00	89
		3089	0	00	18
		3078	0	07	15
		3090	0	00	10
		3074	0	03	66
		5135	0	03	15
		3091	0	00	10
		3095	0	00	13
		3097	0	02	17
		3096	0	01	30
		5404	0	01	43
		5122	0	00	13
		2451	0	00	10
		2890	0	03	83
		2891	0	02	68
		2889	0	03	67
		2894	0	00	54
		2895	0	00	67
		2888	0	09	29
		5026	0	01	15

1	2	3	4	5	6
		2901	0	01	20
		2887	0	02	37
		2886	0	03	47
		5085	0	02	78
		2470	0	03	96
		2475	0	00	99
		2474	0	03	23
		2476	0	08	07
		2477	0	00	10
		2479	0	06	88
		2482	0	03	88
		2487	0	03	20
		5009	0	00	11
		2486	0	03	17
		2483	0	00	16
		5010	0	00	10
		2485	0	04	37
		2484	0	03	65
		2352	0	01	56
		2348	0	00	51
		2237	0	00	30
		2347	0	00	89
		2346	0	07	28
		2345	0	00	10
		2344	0	04	20
		2343	0	03	41
		2340	0	03	36
		5250	0	02	09
		2338	0	01	08
		2337	0	01	08
		2334	0	00	46
		2335	0	02	42
		2336	0	00	10
		2331	0	03	26
		5241	0	03	95
		2333	0	12	31
		2249	0	08	14
		2260	0	03	26
		2259	0	02	24
		2261	0	00	26
Baraostia		1101	0	06	23
		1102	0	00	10
		1100	0	00	91
		1103	0	06	29
		1104	0	04	74
		1105	0	03	88

1	2	3	4	5	6
		1056	0	01	48
		1053	0	01	26
		1052	0	01	74
		1051	0	12	49
		1054	0	04	56
		1050	0	00	10
		1047	0	01	03
		1048	0	00	11
		970	0	09	31
		967	0	04	63
		969	0	01	17
		968	0	00	88
		966	0	03	45
		965	0	01	06
		964	0	01	11
		963	0	03	40
		917	0	02	75
		919	0	02	93
		921	0	03	52
		922	0	03	70
		925	0	04	33
		924	0	00	10
		927	0	08	86
		909	0	00	10
		928	0	00	23
		908	0	03	90
		902	0	02	68
		904	0	01	19
		905	0	03	18
		906	0	01	07
		886	0	01	83
		695	0	08	07
		694	0	01	27
		696	0	10	96
		731	0	04	35
		711	0	00	10
		712	0	02	01
		713	0	02	00
		725	0	00	10
		724	0	00	10
		722	0	00	88
		721	0	00	92
		714	0	05	10
		715	0	05	04
		603	0	14	14
		602	0	00	10

1	2	3	4	5	6
		599	0	00	10
		264	0	11	51
		269	0	06	26
		274	0	00	10
		275	0	14	46
		283	0	00	11
		286	0	00	51
		285	0	03	08
		284	0	01	57
		288	0	01	81
		287	0	00	10
		1459	0	00	93
		289	0	00	36
		290	0	00	10
		295	0	01	72
		1460	0	02	23
		1461	0	02	60
		296	0	00	28
		294	0	04	78
		293	0	00	14
		306	0	00	14
		305	0	04	35
		307	0	03	90
		308	0	02	05
		309	0	03	38
		310	0	01	20
		311	0	00	63
		312	0	00	63
		314	0	05	26
		318	0	06	13
		320	0	00	84
		321	0	10	11
		322	0	00	96
		332	0	00	14
		333	0	11	54
	Panaspada	972	0	04	53
		971	0	03	23
		945	0	00	20
		969	0	06	27
		946	0	00	10
		947	0	03	22
		948	0	00	72
		950	0	00	10
		955	0	00	10
		968	0	00	26
		967	0	01	49

1	2	3	4	5	6
		966	0	02	55
		965	0	02	77
		956	0	04	07
		919	0	01	31
		920	0	00	27
		918	0	02	26
		915	0	05	14
		914	0	03	71
		512	0	01	00
		513	0	04	92
		516	0	00	32
		517	0	01	22
		912	0	01	57
		518	0	01	01
		520	0	00	37
		911	0	02	79
		910	0	05	34
		1005	0	05	69
		909	0	00	76
		908	0	00	10
		536	0	01	21
		529	0	01	45
		535	0	02	56
		537	0	00	87
		538	0	01	38
		539	0	01	98
		557	0	03	35
		559	0	01	97
		558	0	00	40
		543	0	00	10
		555	0	07	46
		556	0	00	25
		564	0	02	54
		565	0	00	83
		566	0	01	34
		983	0	00	10
		567	0	02	67
		568	0	00	61
		574	0	00	52
		640	0	00	85
		639	0	00	83
		638	0	03	45
		636	0	00	47
		637	0	00	23
		627	0	02	34
		628	0	02	22

1	2	3	4	5	6
		629	0	00	10
		626	0	05	14
		625	0	01	01
		619	0	04	35
		618	0	00	37
		621	0	00	83
		620	0	01	51
		615	0	00	11
		616	0	01	59
		617	0	00	34
		984	0	00	11
		610	0	01	93
		609	0	00	16
		612	0	00	18
		611	0	00	86
		661	0	01	98
	Bhatpara	1722	0	03	48
		1723	0	02	78
		1721	0	05	22
		1726	0	03	50
		4412	0	00	85
		1730	0	07	83
		1731	0	08	97
		1745	0	04	66
		1743	0	02	82
		1737	0	00	10
		1738	0	02	69
		1740	0	02	57
		1741	0	03	74
		1779	0	01	56
		4352	0	06	38
		1778	0	06	05
		1796	0	05	01
		1797	0	01	71
		1793	0	12	56
		1791	0	01	37
		1790	0	00	10
		1810	0	07	79
		1811	0	03	37
		1867	0	13	24
		1865	0	02	04
		1866	0	10	09
		1870	0	03	78
		1952	0	05	62
		1947	0	03	62
		1948	0	04	06

1	2	3	4	5	6
		1949	0	04	38
		1950	0	00	10
		1943	0	12	61
		1941	0	04	87
		1940	0	01	02
		1939	0	01	36
		2400	0	12	29
		4441	0	05	63
		2390	0	02	53
		2327	0	00	17
		2389	0	11	91
		4579	0	00	43
		2391	0	05	50
		2393	0	01	49
		2399	0	00	17
		2397	0	07	73
		2398	0	00	40
		2396	0	06	78
		2404	0	02	34
		2472	0	07	89
		2405	0	03	37
		4508	0	00	10
		2449	0	14	08
		2450	0	01	91
		2447	0	09	41
		2437	0	04	04
		2446	0	02	88
		2445	0	02	17
		4411	0	03	13
		2590	0	01	86
		2632	0	01	23
		4582	0	06	02
		4351	0	03	58
		2630	0	00	90
		2631	0	06	34
		2629	0	03	75
		2628	0	06	29
		4350	0	00	10
		2627	0	06	05
		2635	0	05	18
		2636	0	02	86
		2637	0	04	10
		2721	0	01	06
		2719	0	04	70
		2720	0	04	19
		2723	0	00	10

1	2	3	4	5	6
		2724	0	03	62
		2718	0	05	00
		2725	0	00	40
		2715	0	09	13
		2713	0	03	06
		2714	0	02	13
		2712	0	07	25
		2709	0	06	00
		2706	0	05	14
		2705	0	03	84
		2750	0	01	28
		2694	0	12	29
		621	0	06	79
		622	0	00	19
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	Jayakrushnapur	25	0	06	91
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Motto		466	0	00	57
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Pratappur		337	0	00	55
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Nalgunda		311	0	16	11
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Kaupuni		637	0	06	28
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Tihidi	Baharpal	495	0	10	72
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		491	0	09	37
		488	0	02	06
		480	0	10	91
		485	0	00	34
		481	0	00	10
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	Laxmiprasad	323	0	03	99
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		260	0	00	55
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		1146	0	05	82
		1082	0	09	33
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	Harsinhapur	855	0	00	10
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		878	0	07	11
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	Bhanupur	185	0	05	31
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		125	0	00	68
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		123	0	32	74
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	Kanhupur	398	0	00	11
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	Sandakpur	115	0	12	72
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	Tarachandbindha	616	0	00	27
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	Habudasingh	162	0	08	44
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	Kabirpur	1326	0	11	11
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	Jafrabad	515	0	07	71

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		407	0	01	14
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		23	0	00	75
		24	0	02	58
		25	0	03	97
		10	0	03	49
		289	0	09	52
	Bahabālpur	1506	0	03	94
		1505	0	02	90
		1494	0	04	54
		1493	0	04	02
		1237	0	02	85
		1241	0	06	25
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		1231	0	15	32
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		1108	0	00	10
		1106	0	02	28
		1104	0	06	18
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Basudevpur	Korabatiabara	461	0	03	94
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		463	0	00	57
		465	0	02	05
		467	0	06	02
		456	0	01	14
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	Mabadilla	116	0	06	10
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	Jagannathprasad	1973	0	06	40
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		269	0	04	83
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		103	0	01	38
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		421	0	04	68
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		411	0	01	02
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		4	0	02	66
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	Kasiabhiram	97	0	10	68
		96	0	05	99
		95	0	00	26
		90	0	11	43
		23	0	00	97
		21	0	12	38
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		6	0	24	07
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		4	0	00	18
		2	0	10	04
		1	0	04	18
	Kamargan	3753	0	02	53
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		3752	0	00	48
		3749	0	01	35
		3738	0	00	29
		3739	0	03	58
		3736	0	12	89
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		3712	0	02	11
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	Chirol	1451	0	00	74
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	Belasaunlia	1730	0	04	53
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		1711	0	01	66
		1667	0	02	32
		1710	0	14	75
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		1696	0	06	90
		1697	0	01	10
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	Kharidabinyakpur	3378	0	01	51
		3067	0	01	46
		3040	0	04	36
		3039	0	07	78
		3038	0	02	38
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	Basudebpur	4352	0	28	25
		4398	0	06	69
		4397	0	02	82
		4396	0	02	22
		4395	0	03	99
		4393	0	01	26
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		4392	0	05	59
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	Bagdabinyakpur	2264	0	06	52
		2263	0	00	10
		2261	0	04	92
		2260	0	01	53
		2259	0	02	24
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		2257	0	01	81
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		2240	0	01	63
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	Sukdevpur	542	0	01	23
		529	0	02	72
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		1472	0	01	41
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	Sabarpur	182	0	05	05
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	Sungura	674	0	05	31
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		607	0	10	38
		680	0	11	46
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		1646	0	04	21
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		1643	0	02	62
		1638	0	07	45
		1641	0	01	79
		1640	0	00	71
		1639	0	00	18
		1584	0	00	52
		1578	0	02	82
		1577	0	02	36
		1576	0	04	14
		1575	0	00	18
		1574	0	02	31
		1573	0	02	13
		1572	0	02	42

1	2	3	4	5	6
		1571	0	04	26
		1552	0	10	85
		1554	0	17	42
		1551	0	06	65
		1547	0	19	38
		1542	0	02	90
		1541	0	09	30
		1540	0	00	10
		1537	0	01	68
		1536	0	12	50
		1535	0	03	25
		1534	0	20	39
		1572	0	00	10
		1475	0	06	88
		1530	0	06	35
		1432	0	01	85
		1434	0	06	74
		1435	0	07	78
		1436	0	08	31
		1437	0	03	03
		1454	0	16	32
		1470	0	20	94
		1477	0	00	51
		1476	0	03	49
		1474	0	13	25
		1473	0	03	98
	Bakharpur	151	0	06	74
		152	0	03	51
		140	0	00	15
		141	0	12	31
		142	0	00	24
		127	0	02	00
		123	0	03	30
		126	0	04	93
		125	0	05	60
		113	0	00	13
		114	0	08	03
	Bashathi	348	0	03	98
		349	0	06	22
		351	0	02	42
		362	0	01	06
		363	0	02	25
		352	0	01	32
		356	0	00	10
		360	0	08	41
		358	0	04	93

1	2	3	4	5	6
		359	0	00	10
		357	0	03	10
		324	0	00	63
		257	0	00	62
		280	0	03	02
		281	0	03	33
		278	0	01	24
		276	0	11	95
		275	0	06	48
		273	0	03	42
		272	0	05	27
		270	0	00	76
		269	0	00	45
		148	0	00	33
		149	0	00	20
		147	0	05	77
		145	0	03	07
		150	0	00	10
		144	0	02	83
		143	0	15	13
		142	0	05	48
		30	0	09	44
		31	0	00	10
		32	0	09	87
		29	0	00	10
		23	0	07	18
		27	0	00	10
		24	0	04	07
		25	0	03	85
		21	0	01	76
		26	0	02	30
		8	0	00	58
		11	0	11	62
		9	0	00	10
		10	0	01	00
	Sudarsanpur	1994	0	65	30
		1993	0	00	10
	Suan	1099	0	07	22
		1100	0	00	44
		1101	0	01	47
		1106	0	10	24
		1102	0	00	10
		1107	0	02	47
		2603	0	00	10
		2604	0	05	15
		1105	0	00	47

1	2	3	4	5	6
		1119	0	99	75
		1118	0	00	20
		1110	0	00	10
		1117	0	03	40
		1116	0	08	01
		1115	0	01	16
		1175	0	00	48
		1174	0	03	83
		1173	0	01	15
		1171	0	00	63
		1172	0	04	74
		1160	0	04	33
		1180	0	05	12
		1181	0	03	36
		1182	0	02	64
		1183	0	00	20
		1184	0	03	41
		1189	0	07	33
		1188	0	00	10
		1190	0	00	90
		1194	0	06	25
		1193	0	04	48
		1196	0	00	91
		2606	0	00	10
		2605	0	00	47
		1199	0	00	10
		1197	0	09	26
		1232	0	01	06
		1230	0	04	18
		1231	0	00	55
		1204	0	01	65
		1216	0	08	74
		1215	0	00	10
		1214	0	01	46
		1213	0	02	68
		1212	0	00	45
		1209	0	01	70
		1210	0	04	38
		1211	0	00	10
		1297	0	01	00
		1369	0	06	63
		1367	0	00	33
		1370	0	05	46
		1371	0	05	65
		1397	0	08	37
		1379	0	00	10

1	2	3	4	5	6
		1380	0	01	06
		1395	0	05	46
		1392	0	10	50
		1394	0	07	51
		1393	0	00	65
		1534	0	03	17
		1535	0	03	58
		1533	0	00	49
		1536	0	04	62
		1538	0	00	43
		1545	0	03	39
		1546	0	05	44
		1543	0	07	13
		1542	0	00	10
		1550	0	02	92
		1551	0	02	40
		1567	0	02	60
		1562	0	00	23
		1565	0	05	24
		1564	0	05	30
		1563	0	05	08
		1170	0	03	35
		2623	0	01	06
		1574	0	03	66
		1581	0	15	52
		1614	0	06	24
		1613	0	04	67
		1616	0	04	00
		1617	0	00	10
		1608	0	12	49
		1607	0	02	98
		1606	0	04	39
		1627	0	10	61
		1631	0	08	58
		1653	0	02	92
		1654	0	04	94
		1655	0	01	90
		1656	0	04	04
		1658	0	03	55
		1657	0	02	62
		1659	0	04	16
	Artung	778	0	16	15
		670	0	00	20
		671	0	00	10
		673	0	01	91
		677	0	00	35

1	2	3	4	5	6
		679	0	00	85
		676	0	00	50
		523	0	03	19
		522	0	03	60
		511	0	01	96
		510	0	01	76
		512	0	10	63
		513	0	04	99
		514	0	02	18
		496	0	01	44
		495	0	02	83
		516	0	01	24
		391	0	01	98
		493	0	00	10
		494	0	02	55
		492	0	00	10
		392	0	00	78
		394	0	05	94
		323	0	00	57
		322	0	02	37
		324	0	00	19
		321	0	02	66
		322	0	03	24
		326	0	07	44
		260	0	01	65
		265	0	05	74
		261	0	00	66
		262	0	00	10
		3929	0	10	00
		254	0	06	23
		266	0	00	10
		206	0	01	79
		3994	0	01	84
		252	0	00	37
		207	0	01	74
		208	0	02	86
		210	0	02	93
		209	0	04	70
		122	0	11	78
		160	0	01	09
		161	0	00	10
		159	0	02	53
		3711	0	00	10
		123	0	00	10
		133	0	09	48
		91	0	00	10

1	2	3	4	5	6
		92	0	01	79
		3818	0	02	05
		93	0	04	20
		3817	0	00	10
		83	0	02	21
		84	0	02	42
		88	0	00	91
		85	0	01	64
		87	0	03	22
		73	0	00	10
		86	0	01	45
		74	0	07	87
		28	0	02	82
		26	0	03	35
		27	0	05	97
	Damodarpur	46	0	05	86
		47	0	00	37
		48	0	00	75
		49	0	01	52
		50	0	01	60
		51	0	01	96
		45	0	02	02
		39	0	06	59
		37	0	08	75
		32	0	02	42
		36	0	05	94
		35	0	01	66
		33	0	02	43
		34	0	02	92
		812	0	04	51
		17	0	02	99
		18	0	11	04
		19	0	05	86
	Parhuan	131	0	01	28
		133	0	01	78
		132	0	02	57
		130	0	01	51
		129	0	01	18
		40	0	06	06
		39	0	00	10
		41	0	10	11
		126	0	00	32
		127	0	00	10
		92	0	02	73
		91	0	01	79
		89	0	06	40

1	2	3	4	5	6
		87	0	00	62
		88	0	07	61
		84	0	00	10
		3929	0	01	90
		85	0	02	61
		86	0	01	92
		3927	0	00	12
		3928	0	03	14
		79	0	13	69
		58	0	01	88
		60	0	00	37
		59	0	00	85
		67	0	05	09
		62	0	00	10
		63	0	06	84
		65	0	06	84
Radhamohanpur		973	0	06	86
		972	0	11	70
		978	0	04	74
		985	0	03	57
		986	0	00	86
		987	0	00	43
		983	0	05	19
		988	0	06	02
		993	0	00	45
		992	0	05	74
		994	0	01	62
		995	0	02	31
		1001	0	00	68
		1000	0	05	43
		1007	0	09	74
		1005	0	02	46
		1011	0	11	69
		1012	0	00	55
		922	0	02	29
		886	0	00	10
		884	0	00	96
		882	0	03	05
		883	0	05	68
		835	0	02	03
		877	0	07	77
		876	0	00	88
		875	0	04	70
		870	0	02	68
		869	0	03	71
		851	0	00	36

1	2	3	4	5	6
		865	0	03	36
		864	0	01	43
		866	0	01	58
		855	0	04	55
		854	0	02	16
		790	0	05	34
		789	0	04	36
		787	0	03	35
		786	0	09	85
		256	0	03	00
		255	0	03	83
		257	0	04	59
		1564	0	01	08
		267	0	00	44
		264	0	05	18
		266	0	05	88
		269	0	02	41
		270	0	08	13
		1633	0	00	10
		271	0	01	14
		272	0	09	48
		273	0	01	33
		486	0	06	18
		1611	0	04	45
		481	0	00	42
		478	0	00	10
		477	0	15	26
		475	0	03	40
		476	0	01	88
		473	0	10	76
		1714	0	00	10
		472	0	02	10
		303	0	01	79
		467	0	00	10
		469	0	04	68
		468	0	06	83
		463	0	06	69
		461	0	06	79
		460	0	05	29
		459	0	04	24
		376	0	00	10
		449	0	10	36
		448	0	07	94
		444	0	06	33
		451	0	00	10
		443	0	03	91

1	2	3	4	5	6
		433	0	00	10
		428	0	02	44
		427	0	04	18
		425	0	01	29
		426	0	03	20
		423	0	02	62
		420	0	01	17
		424	0	02	69
		421	0	01	11
		422	0	01	52
		423	0	03	82
		408	0	01	89
		627	0	02	55

[F. No. R-25011/11/2004-Q.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 31 मई, 2004

क का. आ. 1294.— केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है की उड़िसा राज्य मे पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है ओर जो इस अधिसूचना से उपाबद्ध अनुसूची मे वर्णित है, मे उपयोग के अधिकार का अर्जन किया जाए.

अतः अब, केन्द्रीय सरकार, पेट्रोलियम ओर खनिज पाइपलाइन (भूमि मे उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री अशोक कुमार दास, सक्षम प्राधिकारी पारादीप हल्दिया पाइपलाइन परियोजना इंडियन ऑयल कॉरपोरेशन लिमिटेड, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग डिविजन हाउसिंग कम्पलेक्स, मेघदम्बारा, डाकघर - कुरुदा, बालासोर - 756056, (उड़िसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला : केन्द्रपाड़ा

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
महाकालपाड़ा	आखरासाली	454	0	71	75
		455	0	48	93
		576	0	03	06
		635	0	02	34
		472	0	07	77
		474	0	05	86
		473	0	00	24
		125	0	06	76
		485	0	06	96
		486	0	01	03
		85	0	11	13
		84	0	02	51
		99	0	02	08
		487	0	00	10
		83	0	02	41
		600	0	03	15
		554	0	09	77
		542	0	11	24
		54	0	10	55
		53	0	10	40
		602	0	08	33
		603	0	00	10
		49	0	14	00
		507	0	10	91
		45	0	01	91
		505	0	03	95
		504	0	07	85
		38	0	00	10
		39	0	08	38

1	2	3	4	5	6
		499	0	02	57
		34	0	11	28
		500	0	04	71
		33	0	01	52
		32	0	02	44
		30	0	04	02
		31	0	13	11
		622	0	02	10
		494	0	02	31
		493	0	04	18
		24	0	02	38
		621	0	02	38
		20	0	02	26
		492	0	01	37
		21	0	05	27
		18	0	02	28
		520	0	01	98
		19	0	00	52
		17	0	03	50
		11	0	01	18
		16	0	00	37
		12	0	06	80
		13	0	07	34
		1	0	19	05
		2	0	00	72
		3	0	07	43
	भारगड़ोबारान्डा	114	0	24	15
		115	0	13	91
		116	0	01	79
		117	0	05	29
		113	0	00	10
		104	0	18	48
	राजेन्द्रनगर	180	0	19	40
		181	0	14	65
		182	0	02	96
		900	0	00	47

1	2	3	4	5	6
		183	0	06	31
		184	0	01	94
		185	0	04	07
		168	0	00	33
		167	0	01	61
		166	0	02	59
		165	0	04	29
		164	0	01	75
		163	0	02	53
		162	0	03	39
		190	0	06	77
		191	0	08	60
		149	0	00	10
		148	0	00	21
		147	0	00	52
		146	0	01	66
		145	0	01	89
		144	0	02	82
		143	0	03	40
		142	0	03	61
		141	0	02	92
		135	0	03	21
		134	0	03	12
		133	0	03	45
		132	0	03	64
		916	0	12	15
		208	0	11	29
		200	0	10	43
		207	0	01	73
		880	0	02	54
		205	0	03	71
		231	0	04	04
		232	0	02	54
		952	0	01	46
		233	0	03	23

1	2	3	4	5	6
		234	0	04	68
		235	0	03	48
		236	0	04	07
		237	0	02	06
		879	0	01	44
		230	0	00	10
		238	0	04	49
		239	0	01	65
		834	0	01	96
		241	0	04	52
		242	0	04	04
		229	0	00	10
		243	0	04	54
		227	0	02	03
		228	0	02	02
		221	0	02	88
		222	0	01	17
		226	0	00	10
		896	0	01	89
		223	0	00	92
		225	0	06	74
		268	0	00	10
		901	0	03	73
		269	0	01	00
		270	0	00	85
		271	0	00	69
		272	0	00	74
		273	0	00	84
		274	0	00	61
		275	0	00	67
		276	0	00	53
		278	0	03	23
		281	0	01	96
		899	0	00	10
		283	0	11	96

1	2	3	4	5	6
		42	0	01	20
		41	0	11	95
		949	0	08	35
		40	0	01	11
		286	0	05	95
		287	0	06	45
		957	0	06	34
		926	0	06	12
		289	0	10	76
		288	0	04	49
		296	0	13	69
		297	0	30	34
		299	0	02	44
		861	0	00	10
		300	0	04	09
		302	0	07	46
		803	0	00	14
		335	0	01	24
		805	0	03	30
		804	0	08	50
		934	0	03	48
	गुप्तागिरि	169	0	14	23
		171	0	03	32
		19	0	00	10
		168	0	00	10
		170	0	03	05
		167	0	11	34
		164	0	08	59
		160	0	01	63
		165	0	01	45
		159	0	08	20
		10	0	07	54
		18	0	01	09
		11	0	03	74
		17	0	05	50
		14	0	02	55

1	2	3	4	5	6
	काचिला	505	0	03	17
		504	0	00	69
		400	0	07	13
		402	0	00	10
		407	0	10	41
		386	0	02	56
		698	0	00	70
		367	0	12	43
		328	0	01	90
		697	0	02	11
		696	0	00	10
		372	0	03	50
		822	0	05	38
		370	0	04	05
		701	0	04	81
		222	0	00	21
		369	0	01	95
		221	0	04	91
		219	0	02	60
		220	0	03	80
		705	0	00	70
		217	0	18	54
		171	0	15	24
		172	0	00	85
		204	0	00	20
		195	0	20	46
		194	0	00	30
		177	0	22	21
	बाचुरिआ	450	0	04	31
		439	0	03	12
		452	0	00	20
		441	0	09	06
		442	0	02	73
		444	0	00	10
		495	0	00	93

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		437	0	02	56
		348	0	07	21
		466	0	00	10
		589	0	02	74
		590	0	02	27
		588	0	01	72
		345	0	00	66
		587	0	00	15
		346	0	01	22
		331	0	02	30
		614	0	02	45
		329	0	01	35
		612	0	14	51
		498	0	05	59
		326	0	02	56
		21	0	27	55
अरोई		831	0	25	17
		832	0	07	43
		817	0	03	25
		847	0	03	21
		1002	0	07	20
		818	0	00	10
		814	0	12	06
		819	0	00	20
		1065	0	01	36
		798	0	32	42
		554	0	00	23
		582	0	13	04
		560	0	03	64
		561	0	03	23
		581	0	03	70
		569	0	00	10
		572	0	03	98
		571	0	02	25
		573	0	01	84
		570	0	03	46

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			574	0	01	65
			550	0	00	89
			549	0	02	20
			545	0	16	11
			546	0	08	57
			537	0	07	11
			468	0		21
			470	0	05	33
			991	0	00	52
			990	0	08	12
			423	0	00	10
			422	0	00	19
			421	0	00	32
			417	0	00	71
			416	0	00	10
			415	0	00	44
			425	0	13	21
			427	0	02	50
			428	0	02	38
			429	0	02	22
			430	0	02	14
			431	0	00	18
			426	0	00	10
			414	0	01	90
			410	0	00	76
			409	0	01	44
			411	0	06	53
			407	0	01	71
			374	0	01	43
			376	0	01	31
			377	0	00	10
			378	0	01	24
			375	0	20	15
			368	0	01	17
			344	0	21	71
			345	0	05	48

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		1029	0	00	10
		346	0	05	51
		333	0	32	18
		332	0	01	11
		347	0	01	61
		331	0	00	79
		330	0	16	62
		329	0	04	09
		326	0	04	38
		964	0	01	26
		324	0	02	72
		1055	0	16	01
		1039	0	06	62
		1038	0	23	91
		250	0	00	28
		1040	0	16	38
		259	0	01	90
		869	0	00	10
		258	0	12	15
		257	0	00	20
		871	0	00	10
		872	0	08	10
		253	0	00	10
		254	0	00	10
		255	0	09	22
		256	0	06	39
	मालादिहि	663	0	08	54
		662	0	09	85
		664	0	09	44
		638	0	02	93
		637	0	01	63
	परेश्वरपूर	568	0	00	10
		567	0	00	51
		566	0	07	52
		570	0	00	10

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		565	0	00	17
		571	0	00	24
		564	0	06	01
		478	0	03	23
		479	0	00	10
		477	0	13	15
		592	0	00	10
		597	0	00	10
		596	0	07	14
		475	0	04	36
		451	0	00	10
		452	0	01	02
		484	0	12	20
		535	0	02	97
		386	0	06	37
		385	0	02	57
		384	0	02	81
		383	0	03	30
		380	0	12	41
		348	0	05	30
		345	0	01	28
		347	0	02	23
		346	0	05	15
		510	0	04	25
		354	0	00	37
		339	0	08	06
		340	0	02	78
		335	0	10	79
		336	0	00	34
		334	0	01	44
		331	0	10	22
		330	0	03	03
		538	0	00	10
		328	0	04	83
		327	0	06	08

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		326	0	03	00
		323	0	00	54
		324	0	04	26
		325	0	03	46
		282	0	15	62
		281	0	04	75
	चन्नर	1006	0	14	11
		972	0	76	67
		973	0	04	02
		974	0	02	00
		975	0	03	33
		1381	0	03	37
		976	0	06	06
		1047	0	04	29
		1377	0	02	00
		86	0	04	51
		85	0	11	53
		84	0	01	68
		83	0	00	55
		82	0	04	59
		1438	0	03	18
		81	0	07	24
	बारादना	546	0	06	21
		547	0	13	18
		605	0	02	03
		606	0	02	76
		607	0	00	68
		608	0	12	46
		609	0	03	02
		545	0	04	83
		1357	0	01	77
		530	0	02	12
		529	0	03	73
		528	0	00	42
		527	0	26	51

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		513	0	06	11
		514	0	06	90
		1424	0	09	68
		1425	0	04	05
		510	0	06	75
		509	0	07	04
		508	0	05	22
		506	0	03	05
		505	0	01	17
		1423	0	04	26
		496	0	00	36
		498	0	05	92
		497	0	00	10
		490	0	05	05
		493	0	05	91
		491	0	01	85
		492	0	0	
		486	0	00	14
		290	0	03	03
		289	0	08	33
		288	0	06	64
		287	0	03	44
		286	0	03	95
		285	0	03	28
		284	0	04	61
		296	0	03	44
		276	0	36	64
		262	0	00	16
		263	0	26	63
		272	0	03	16
		271	0	00	10
		265	0	07	15
		266	0	05	65
	बाहरसूचना	1184	0	03	99
		1160	0	03	57
		1161	0	02	73

1	2	3	4	5	6
		1164	0	03	45
		1165	0	03	41
		1166	0	02	70
		1168	0	03	83
		1167	0	00	10
		1170	0	04	41
		1171	0	00	63
		547	0	00	87
		546	0	04	01
		545	0	00	22
		549	0	01	64
		544	0	06	62
		541	0	02	30
		542	0	02	41
		536	0	03	24
		535	0	01	37
		534	0	03	75
		520	0	20	00
		514	0		51
		519	0	06	57
		1317	0	00	53
		466	0	10	16
		464	0	00	38
		465	0	04	75
		454	0	11	03
		452	0	00	26
		453	0	01	34
		438	0	00	79
		448	0	00	41
		449	0	01	83
		450	0	00	38
		1286	0	03	41
		1200	0	03	89
		289	0	00	10
		288	0	05	13
		1196	0	00	52

1	2	3	4	5	6
		290	0	06	46
		291	0	00	10
		294	0	09	08
		293	0	05	88
		292	0	00	93
		1407	0	04	44
		306	0	06	65
		334	0	00	78
		315	0	01	78
		314	0	10	36
		313	0	02	96
		312	0	01	58
		385	0	02	20
		74	0	00	8
		73	0	03	80
		1326	0	06	34
		76	0	00	19
		78	0	00	71
		1339	0	01	80
		79	0	00	10
		1	0	17	22
	एकलपु	652	0	18	00
		247	0	06	74
		233	0	08	46
		243	0	00	10
		234	0	09	36
		224	0	04	67
		235	0	03	18
		222	0	00	83
		219	0	04	74
		220	0	01	68
		218	0	08	96
		103	0	04	81
		104	0	00	10
		106	0	09	61
		100	0	00	43

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		99	0	15	05
		98	0	03	21
		97	0	00	95
		118	0	02	88
		684	0	02	22
		68	0	03	95
		91	0	01	19
		67	0	01	54
		66	0	05	19
		69	0	01	61
		65	0	08	21
		73	0	07	89
		62	0	05	22
	बड़ाबईन्चा	215	0	03	97
		216	0	02	47
		213	0	17	07
		210	0	03	08
		209	0	05	59
		208	0	10	64
		169	0	16	23
	बारादिहि	1767	0	26	29
		1768	0	01	60
		1756	0	04	01
		1758	0	03	01
		1729	0	04	32
	खोलानाई	267	0	02	71
		401	0	00	31
		269	0	05	94
		271	0	02	44
		273	0	02	45
		276	0	05	15
		413	0	02	33
		274	0	02	30
		275	0	02	49
		255	0	02	93

1	2	3	4	5	6
		254	0	02	83
		380	0	01	07
		247	0	03	51
		242	0	06	56
		242	0	06	66
		278	0	00	10
		240	0	01	06
		239	0	02	99
		236	0	04	75
		235	0	01	57
		232	0	03	17
		231	0	01	90
		223	0	02	01
		222	0	02	39
		279	0	08	25
		221	0	03	26
		215	0	01	62
		280	0	06	72
		384	0	10	70
		291	0	23	97
		288	0	00	10
		289	0	03	75
		290	0	16	16
		294	0	06	44
		365	0	02	85
		364	0	02	10
		351	0	20	62
		354	0	03	64
		353	0	08	10
		352	0	02	33
		343	0	03	40
		339	0	03	21
		340	0	01	17
		341	0	01	77
		342	0	02	33

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		338	0	13	02
	गुलुड़ा	1	0	28	07
	काकटपुर	306	0	12	33
		305	0	17	60
		307	0	00	25
		308	0	13	82
		311	0	01	02
		309	0	08	09
		310	0	02	60
		363	0	00	50
		364	0	00	10
		502	0	02	07
		694	0	07	84
		503	0	00	10
		693	0	03	70
		510	0	12	74
		513	0	06	79
		524	0	17	26
		523	0	07	65
	बन्धपारा	280	0	00	60
		279	0	05	74
		277	0	10	99
		278	0	01	46
		272	0	02	38
		271	0	10	35
		257	0	09	53
		252	0	02	26
		88	0	00	10
		87	0	06	07
		92	0	03	42
		91	0	03	65
		93	0	05	31
		94	0	02	35
		366	0	06	11
		103	0	16	83

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		206	0	03	20
		352	0	03	18
		207	0	04	17
		351	0	05	62
		344	0	04	15
		194	0	04	79
		195	0	05	84
		196	0	03	20
		190	0	00	29
		175	0	14	68
		52	0	06	62
		36	0	02	72
		35	0	05	99
		34	0	07	49
		33	0	19	16
		350	0	12	65
	गोगुआ	810	0	07	89
		808	0	08	13
		809	0	00	10
		807	0	07	03
		805	0	02	18
		804	0	14	03
		874	0	00	21
		875	0	00	10
		877	0	00	10
		803	0	01	61
		802	0	00	49
		801	0	01	23
		590	0	05	03
		589	0	10	17
		588	0	07	76
		592	0	01	40
		587	0	15	75
		583	0	03	78
		582	0	09	03

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		581	0	03	96
		580	0	02	96
		565	0	03	71
		562	0	08	40
		563	0	01	45
		564	0	00	10
		561	0	08	60
		560	0	00	64
		559	0	02	90
		516	0	02	34
		455	0	02	38
		415	0	03	74
		454	0	00	84
		453	0	00	10
		416	0	05	91
		445	0	13	78
		441	0	00	19
		440	0	04	98
		439	0	00	10
		479	0	05	90
		1022	0	01	73
		186	0	06	00
		168	0	08	12
		169	0	02	18
		162	0	02	08
		170	0	05	82
		171	0	08	96
		172	0	00	10
		128	0	02	63
		1065	0	03	87
		127	0	04	34
		1091	0	04	37
		137	0	02	25
		1021	0	02	23

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पट्टामुन्डई	संगकृपा	497	0	17	81
		493	0	09	45
		492	0	03	48
		488	0	03	37
		206	0	06	63
		650	0	02	23
		649	0	00	10
		203	0	05	50
		202	0	03	12
		200	0	02	21
		196	0	05	26
		198	0	04	20
		197	0	07	15
		195	0	00	10
		190	0	08	98
	बलिआपाली	263	0	00	10
		262	0	10	23
		272	0	03	60
		273	0	06	27
		261	0	00	53
		260	0	06	49
		257	0	00	10
		259	0	03	21
		258	0	02	79
		238	0	10	56
		232	0	06	04
		233	0	04	65
		235	0	06	29
		236	0	03	02
		212	0	06	19
		211	0	00	10
		207	0	07	06
		206	0	04	98
		194	0	08	47
		28	0	9	26

1	2	3	4	5	6
		29	0	00	56
		30	0	04	95
		611	0	04	47
		613	0	00	10
		612	0	05	46
		34	0	00	10
		35	0	08	18
		36	0	13	27
		60	0	00	10
		59	0	00	10
		58	0	05	11
		57	0	05	32
		56	0	06	71
		62	0	04	43
		63	0	06	65
		64	0	06	33
		67	0	04	29
		66	0	00	10
		68	0	07	73
		627	0	02	80
		69	0	05	21
		70	0	02	40
		72	0	06	10
		6	0	03	62
	तेरोई	229	0	02	24
		179	0	00	20
		178	0	00	10
		190	0	02	09
		189	0	03	88
		188	0	00	27
		193	0	07	18
		1338	0	01	50
		192	0	02	94
		1585	0	03	92
		149	0	13	94

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		150	0	1303	46
		136	0	02	29
		151	0	06	98
		134	0	13	09
		133	0	04	75
		103	0	08	00
		76	0	03	74
		80	0	02	06
		82	0	00	57
		78	0	00	10
		1489	0	04	83
		83	0	00	10
		81	0	08	41
		63	0	06	05
		84	0	00	18
		60	0	14	75
		1536	0	02	55
		34	0	00	10
		1503	0	04	32
		35	0	03	46
		36	0	03	96
		1601	0	01	96
		38	0	03	21
		40	0	01	90
		39	0	03	38
		1364	0	01	13
		1363	0	04	66
		18	0	10	55
		17	0	03	30
		1492	0	04	51
		7	0	02	02
		8	0	02	55
		9	0	10	31
		12	0	02	94
		11	0	01	66

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		308	0	04	62
	बलिआजोरी	168	0	01	73
		167	0	09	30
		165	0	01	08
		164	0	01	53
		163	0	00	10
		150	0	08	65
		151	0	02	13
		152	0	06	69
		507	0	02	31
		153	0	05	13
		154	0	08	41
		155	0	01	59
		148	0	03	82
		568	0	02	46
		137	0	03	27
		138	0	01	65
		145	0	01	48
		144	0	00	10
		139	0	00	10
		140	0	02	39
		141	0	00	89
		142	0	02	53
		143	0	00	42
		123	0	03	96
		607	0	03	18
		122	0	00	10
		120	0	01	12
		536	0	02	53
		121	0	04	82
		518	0	04	32
		95	0	00	15
		96	0	03	96
		99	0	02	97

1	2	3	4	5	6
		100	0	00	38
		101	0	05	94
		102	0	05	02
		522	0	10	09
		71	0	03	00
		521	0	00	27
		525	0	0	65
		47	0	0	09
		526	0	06	09
		460	0	00	52
		459	0	07	01
		12	0	02	06
		8	0	00	10
		9	0	19	65
		458	0	01	43
		565	0	00	20
		7	0	03	94
		6	0	06	26
		453	0	03	89
		5	0	08	90
		2	0	05	83
		553	0	04	05
		3	0	02	89
		1	0	16	66
	आपदा	1907	0	00	60
		2018	0	14	56
		1906	0	00	12
		837	0	03	92
		821	0	01	65
		820	0	07	44
		819	0	00	28
		774	0	09	88
		807	0	00	11
		806	0	05	22
		1977	0	00	10

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		804	0	01	47
		803	0	01	11
		802	0	01	52
		2058	0	02	14
		783	0	02	56
		1976	0	00	23
		785	0	01	30
		784	0	10	87
		769	0	07	20
		770	0	06	38
		2047	0	03	18
		771	0	03	63
		766	0	00	37
		765	0	03	62
		764	0	06	62
		763	0	03	40
		762	0	06	03
		759	0	02	21
		760	0	03	37
		761	0	03	75
		720	0	08	96
		719	0	06	18
		718	0	01	12
		717	0	13	72
		716	0	16	74
		688	0	00	28
		715	0	06	21
		714	0	07	51
		713	0	03	43
		712	0	06	31
		711	0	04	17
		584	0	00	10
		582	0	06	85
		591	0	01	61
		585	0	09	57

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		586	0	04	42
		587	0	00	83
		538	0	01	95
		6	0	04	08
	सानगरा	609	0	01	00
		608	0	02	33
		574	0	01	04
		573	0	03	63
		570	0	30	74
		575	0	03	86
		563	0	04	17
		577	0	05	53
		569	0	05	61
		567	0	00	15
		568	0	05	77
		542	0	03	35
		819	0	00	23
		543	0	03	59
		789	0	02	48
		541	0	09	25
	बड़गरा	604	0	01	39
		296	0	08	05
		294	0	11	44
		293	0	01	64
		291	0	12	82
	दळबड़ा	971	0	02	35
		970	0	08	30
		969	0	09	24
		974	0	00	10
		968	0	00	43
		966	0	06	35
		963	0	03	84
		962	0	00	17
		965	0	00	24
		964	0	02	23

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		961	0	06	48
		951	0	00	15
		950	0	05	77
		906	0	03	73
		948	0	02	64
		907	0	11	34
		904	0	01	36
		894	0	05	78
		891	0	00	23
		893	0	04	04
		883	0	05	74
		884	0	01	99
	संसारफल	3371	0	08	18
		3361	0	03	49
		3362	0	01	99
		3359	0	02	33
		3354	0	00	10
		3358	0	00	10
		3347	0	00	19
		3353	0	03	44
		3346	0	00	10
		3355	0	03	61
		3356	0	03	37
		3345	0	02	99
		3359	0	06	28
		3360	0	04	11
		3195	0	08	47
		3194	0	06	42
		3738	0	02	80
		3209	0	07	91
		3210	0	04	71
		8650	0	07	97
		3599	0	01	62
		3211	0	03	67

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		3214	0	03	92
		3215	0	00	10
		3216	0	05	87
		3218	0	01	56
		3217	0	04	10
		2889	0	00	10
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		2886	0	03	11
		2885	0	02	75
		2853	0	04	48
		2852	0	02	49
		2851	0	00	77
		2850	0	00	57
		2854	0	12	13
		2844	0	03	35
		2858	0	05	75
		2859	0	05	05
		2860	0	03	64
		2862	0	00	10
		2861	0	01	92
		2864	0	00	10
		2840	0	04	89
		2834	0	02	34
		2841	0	09	14
		2829	0	00	10
		2445	0	00	20
		3589	0	02	79
		3588	0	02	22
		3587	0	05	92
		2444	0	00	19
		2826	0	01	24
		2446	0	12	12
		2824	0	00	55
		2825	0	07	65
		2485	0	02	61

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		2476	0	05	88
		2455	0	00	51
		2456	0	00	10
		2457	0	00	21
		2458	0	00	31
		2475	0	07	12
		2474	0	14	52
		1900	0	00	29
		1901	0	00	78
		1902	0	00	44
		1904	0	02	14
		1905	0	04	55
		1983	0	00	13
		1906	0	00	10
		1989	0	00	10
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		1908	0	00	10
		1917	0	04	93
		1918	0	01	46
		1916	0	05	44
		1915	0	00	10
		1923	0	00	80
		1921	0	06	97
		1922	0	06	66
		1864	0	02	94
		1855	0	00	16
		1856	0	00	10
		1873	0	00	10
		1872	0	02	99
		1871	0	05	79
		1844	0	00	83
		3477	0	05	41
		1845	0	02	37
		1833	0	06	97
		1384	0	00	70

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		1383	0	00	82
		1382	0	02	43
		295	0	16	59
		546	0	02	30
		547	0	02	67
		548	0	00	21
		543	0	00	70
		544	0	05	80
		542	0	03	63
		444	0	02	16
		442	0	00	41
		445	0	01	95
		443	0	07	95
		448	0	00	80
		447	0	03	20
		449	0	06	92
		412	0	05	83
		413	0	00	10
		411	0	00	10
		410	0	06	89
		406	0	02	05
		402	0	00	10
		407	0	01	23
		408	0	00	37
		400	0	04	24
		3461	0	02	36
		399	0	00	51
		398	0	12	24
		396	0	02	43
		397	0	06	02
		355	0	05	48
		3707	0	04	38
		356	0	03	23
		358	0	02	68
		359	0	02	69

1	2	3	4	5	6
		360	0	01	41
		204	0	02	79
		367	0	00	10
		203	0	08	27
		202	0	00	71
		148	0	04	80
		147	0	05	54
		146	0	01	58
	अधड़ेउरा	345	0	00	43
		346	0	04	42
		380	0	04	02
		320	0	04	90
		318	0	04	90
		315	0	01	89
		317	0	00	14
		316	0	02	09
		314	0	00	16
		297	0	08	74
		282	0	16	89
		281	0	00	46
		267	0	16	29
		265	0	00	11
		266	0	06	03
		244	0	00	10
		261	0	03	25
		262	0	04	72
		243	0	08	40
		241	0	05	32
		242	0	03	43
		228	0	03	24
राजनगर	फिरकीदानी	1275	0	01	59
		1241	0	02	37
		1239	0	06	88
		1237	0	02	26
		1240	0	00	10

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		1230	0	08	38
		1232	0	05	87
		1231	0	00	10
		1210	0	04	50
		1211	0	00	10
		1201		08	80
		1205	0		48
		1206	0	04	68
		1204	0	02	15
		1346	0	03	08
		1207	0	07	64
		1176	0	04	74
		1171	0	01	21
		1309	0	01	74
		1172	0	06	94
		1166	0	00	10
		1173	0	03	06
		1174	0	00	10
		1132	0	05	21
		1163	0	00	57
		1133	0	02	33
		1136	0	12	45
		1137	0	00	10
		1135	0	01	23
		1138	0	08	54
		1140	0	05	12
		1141	0	07	23
		1150	0	01	20
		1152	0	20	53
		1153	0	07	52
		992	0	00	17
		993	0	08	95
		994	0	02	40
		995	0	07	32
		999	0	02	24

1	2	3	4	5	6
		1000	0	02	32
		1291	0	02	33
		1001	0	02	06
		1003	0	00	16
		990	0	05	39
		989	0	03	19
		988	0	04	10
		979	0	00	82
		946	0	00	10
		976	0	01	44
		977	0	11	58
		975	0	07	04
		972	0	00	52
		968	0	01	21
		969	0	00	52
		971	0	02	16
		970	0	01	82
		963	0	05	01
		962	0	01	39
		958	0	00	91
		957	0	01	35
		956	0	02	00
		955	0	00	33
		952	0	00	25
	दक्षिणदार्जी	316	0	14	55
		294	0	00	93
		292	0	00	32
		263	0	22	35
		262	0	02	57
		261	0	04	19
		260	0	02	50
		259	0	00	57
		264	0	01	12
		258	0	09	33
		257	0	00	10

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		266	0	01	66
		514	0	05	73
		270	0	07	27
		249	0	02	53
		248	0	03	21
		243	0	09	53
		242	0	12	73
		239	0	01	74
		158	0	09	37
		159	0	00	15
		156	0	04	20
		155	0	05	64
		154	0	00	10
		511	0	03	06
		150	0	03	59
		510	0	02	85
		152	0	01	24
		151	0	05	87
		126	0	10	76
		127	0	00	10
		128	0	00	10
		125	0	02	62
		129	0	00	10
		121	0	09	67
		175	0	05	77
		176	0	05	71
		178	0	06	43
		180	0	00	92
		181	0	05	69
		182	0	06	62
		89	0	03	31
		88	0	05	21
		536	0	03	81
		87	0	02	79
		95	0	06	10

1	2	3	4	5	6
		501	0	03	25
		96	0	08	06
		534	0	06	87
		61	0	15	15
		60	0	00	63
		530	0	02	34
		49	0	09	82
		531	0	02	92
		46	0	05	08
		36	0	00	10
		38	0	13	61
		39	0	00	86
		45	0	00	10
		40	0	00	10
		37	0	09	78
	गोबिन्दपूर	897	0	03	95
		896	0	02	11
		895	0	02	38
		894	0	01	92
		893	0	00	95
		899	0	07	09
		892	0	01	29
		900	0	06	37
		891	0	00	74
		890	0	06	17
		886	0	01	53
		887	0	03	57
		885	0	03	60
		884	0	00	10
		589	0	02	24
		520	0	03	06
		1336	0	02	41
		296	0	13	59
		1413	0	02	44
		298	0	02	52

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		299	0	00	10
		300	0	00	10
		301	0	00	85
		302	0	00	64
		297	0	15	97
		306	0	02	10
		150	0	03	69
		1293	0	03	24
		151	0	03	99
		157	0	02	38
		156	0	00	58
		1294	0	01	94
		158	0	02	12
		159	0	00	67
		164	0	02	90
		1295	0	05	17
		165	0	03	57
		166	0	07	36
		167	0	06	24
		168	0	00	38
		171	0	03	55
		172	0	06	29
		173	0	06	27
		174	0	04	94
		66	0	06	10
		67	0	00	40
		65	0	02	03
		68	0	00	40
		69	0	15	90
		71	0	00	10
		70	0	00	10
		57	0	00	54
		58	0	00	99
		59	0	01	54
		60	0	00	41

1	2	3	4	5	6
		360	0	05	72
		333	0	01	20
		334	0	01	15
		332	0	04	33
		938	0	00	74
		937	0	00	46
		335	0	00	10
		248	0	03	24
		251	0	00	20
		247	0	01	57
		248	0	02	47
		249	0	06	01
		866	0	01	67
		920	0	02	65
		240	0	00	10
		250	0	04	70
		867	0	01	33
		238	0	00	90
		907	0	02	19
		237	0	02	53
		934	0	00	84
		236	0	01	25
		933	0	01	08
		233	0	04	61
		234	0	00	10
		231	0	00	10
		232	0	05	14
		906	0	00	80
		230	0	00	62
		932	0	01	10
		229	0	05	74
		931	0	01	97
		130	0	01	77
		151	0	03	96
		152	0	02	42

1	2	3	4	5	6
	बन्धुपाटना	645	0	00	27
	गळदिआ	990	0	02	44
		1003	0	09	29
		988	0	01	19
		987	0	05	89
		832	0	00	10
		833	0	01	61
		834	0	00	10
		986	0	00	34
		985	0	03	13
		978	0	16	61
		979	0	04	36
	बेलपालडिआ	543	0	04	05
		542	0	21	84
		544	0	08	98
		541	0	06	13
		539	0	00	52
		545	0	01	73
		546	0	00	10
		482	0	01	33
		475	0	03	77
		951	0	06	66
		473	0	00	10
		190	0	01	34
		191	0	06	70
		996	0	02	30
		997	0	03	34
		192	0	04	64
		193	0	04	75
		993	0	02	60
		194	0	01	01
		274	0	00	10
		195	0	02	07
		272	0	01	51
		271	0	01	38

1	2	3	4	5	6
		270	0	01	94
		269	0	01	38
		268	0	00	76
		267	0	00	14
		266	0	00	10
		209	0	02	93
		261	0	13	27
		243	0	01	11
		245	0	00	98
		244	0	03	21
		239	0	01	22
		238	0	01	49
		226	0	04	56
		227	0	11	76
		228	0	00	95
औल	साहूपड़ा	1552	0	04	89
		1553	0	02	09
		1554	0	01	89
		1556	0	01	92
		2362	0	06	52
		2361	0	03	42
		1576	0	00	31
		1574	0	00	10
		1577	0	02	40
		1580	0	02	73
		1581	0	02	29
		1582	0	06	15
		1583	0	00	90
		1573	0	01	14
		1568	0	01	25
		1569	0	04	36
		1570	0	01	13
		1614	0	02	05
		1613	0	02	87
		2437	0	00	78

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		1632	0	04	62
		1668	0	02	08
		1669	0	00	19
		1667	0	04	37
		1666	0	00	13
		1662	0	03	04
		1663	0	03	03
		1664	0	05	83
		1660	0	08	40
		1656	0	00	82
		1655	0	07	41
		1654	0	00	43
		1417	0	01	49
	अटला	936	0	01	67
		925	0	03	88
		926	0	01	47
		937	0	00	10
		914	0	00	10
		915	0	04	06
		924	0	02	49
		923	0	01	50
		1034	0	01	04
		892	0	15	69
		1019	0	00	10
		894	0	00	10
		893	0	08	85
		887	0	01	36
		885	0	02	47
		884	0	02	29
		883	0	01	28
		881	0	01	24
		880	0	03	67
		876	0	01	29
		878	0	07	85

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		872	0	00	35
		1017	0	04	52
		868	0	01	58
		867	0	03	24
		865	0	05	90
		860	0	00	10
		864	0	03	31
		863	0	00	63
		862	0	01	16
		848	0	01	52
		847	0	04	96
		848	0	03	73
		845	0	09	62
		844	0	00	10
		833	0	04	18
		832	0	00	36
		829	0	01	84
		830	0	00	14
		826	0	01	01
		828	0	05	05
		827	0	05	01
		819	0	06	22
		821	0	00	59
		817	0	00	56
		820	0	00	55
		816	0	08	52
		815	0	00	10
		812	0	02	84
		813	0	05	24
		803	0	05	01
		802	0	03	83
		801	0	00	10
		800	0	01	05
		799	0	03	85
		784	0	00	10

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		785	0	07	60
		786	0	00	65
		394	0	00	27
		787	0	05	21
		395	0	04	95
		398	0	01	72
		399	0	03	79
		400	0	02	65
		401	0	00	99
		407	0	02	38
		408	0	06	16
		410	0	00	28
		406	0	07	85
		405	0	00	73
		412	0	02	87
		425	0	01	31
		433	0	07	24
		430	0	00	10
		431	0	00	38
		432	0	06	62
		429	0	00	54
		437	0	03	73
		436	0	03	61
		533	0	06	20
		402	0	01	68
		216	0	01	84
		217	0	08	77
		218	0	01	88
		209	0	00	56
		208	0	00	49
		207	0	06	64
		219	0	09	51
	खन्दाल	21	0	02	79
		22	0	03	11

1	2	3	4	5	6
		23	0	00	52
	केनांग	398	0	01	50
		760	0	01	93
		396	0	02	04
		776	0	00	46
		395	0	03	11
		394	0	02	16
		404	0	02	17
		405	0	04	85
		392	0	06	13
		407	0	02	50
		745	0	00	94
		408	0	02	30
		787	0	02	04
		732	0	02	44
		409	0	02	61
		413	0	04	03
		414	0	02	06
		415	0	01	05
		416	0	03	01
		417	0	00	57
		418	0	02	38
		419	0	01	16
		420	0	03	85
		421	0	00	59
		422	0	04	20
		439	0	01	63
		436	0	00	18
		757	0	04	49
		437	0	01	43
		438	0	06	16
		440	0	04	66
		553	0	03	14
	पुरिल्लो	296	0	02	16
		317	0	11	43

1	2	3	4	5	6
		297	0	01	71
		316	0	07	18
		379	0	00	73
		308	0	05	85
		315		00	10
		404	0	01	32
		309	0	05	70
		310	0	01	99
		285	0	01	26
		236	0	06	68
		235	0	02	88
		241	0	01	85
		234	0	17	21
		228	0	00	14
		242	0	09	61
		223	0	00	10
		243	0	01	41
		244	0	00	48
		245	0	01	13
		194	0	01	95
		189	0	02	18
		187	0	02	49
		185	0	00	10
		186	0	07	18
		418	0	02	66
		384	0	02	30
		118	0	00	10
		119	0	08	50
		395	0	00	54
		117	0	10	34
		116	0	04	55
		115	0	10	74
		377	0	04	24
		106	0	01	51
		107	0	04	96

1	2	3	4	5	6
		110	0	00	14
		405	0	00	10
	गोपीनाथपुर	59	0	04	32
		258	0	00	30
		58	0	00	41
		16	0	04	41
		223	0	01	74
		222	0	00	19
		221	0	03	82
		247	0	01	16
		18	0	06	47
		19	0	06	83
		33	0	01	93
		32	0	02	37
		34	0	06	14
		38	0	00	10
		35	0	05	85
		36	0	02	77
		37	0	00	10
	बड़ान्को	2603	0	00	31
		2607	0	03	88
		2608	0	09	90
		2606	0	00	24
		2605	0	00	10
		2476	0	02	55
		1486	0	08	08
		1493	0	00	46
		2828	0	00	46
		1492	0	01	33
		1491	0	00	93
		1487	0	11	51
		1485	0	03	07
		1494	0	00	10
		2843	0	00	47
		2842	0	00	39

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		2840	0	00	49
		2839	0	00	41
		1434	0	02	93
		2772	0	02	59
		1483	0	04	36
		1472	0	01	71
		1471	0	01	81
		1469	0	01	54
		1468	0	01	42
		1465	0	01	57
		1464	0	02	68
		2643	0	03	20
		1462	0	01	71
		1441	0	02	38
		2968	0	01	78
		1440	0	02	66
		1439	0	02	65
		1437	0	01	72
		1438	0	01	75
		1181	0	11	24
		2718	0	02	56
		1432	0	04	43
		1403	0	07	07
		1402	0	04	33
		1401	0	04	35
		1400	0	03	35
		1397	0	08	48
		1398	0	02	52
		1399	0	02	66
		1395	0	04	24
		1390	0	00	10
		1391	0	04	59
		1388	0	12	23
		1387	0	04	94

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		1186	0	02	32
		1185	0	06	02
		1184	0	01	17
		2799	0	02	16
		1183	0	03	84
		2800	0	01	85
		1182	0	09	76
		1229	0	01	93
		2804	0	02	87
		2672	0	00	96
		1230	0	05	54
		1228	0	00	10
		1177	0	04	45
		1176	0	02	30
		1175	0	03	30
		1169	0	00	97
		1170	0	02	29
		1172	0	00	10
		1171	0	00	24
		1161	0	01	60
		2621	0	00	21
		1147	0	01	66
		1131	0	01	60
		1130	0	00	17
		2825	0	00	59
		1129	0	01	44
		1123	0	01	05
		2981	0	02	84
		1122	0	01	39
		1124	0	01	47
		2699	0	01	31
		2960	0	00	54
		1034	0	00	10
		1035	0	01	07

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		1028	0	02	68
		1033	0	00	15
		1029	0	01	64
		1030	0	00	10
		1026	0	00	73
	सनान्को	22	0	04	23
		21	0	05	35
		20	0	02	00
		19	0	03	11
		18	0	00	20
		15	0	00	11
		17	0	01	95
		10	0	00	53
		16	0	03	20
		11	0	01	33
		13	0	01	08
		12	0	00	95
		387	0	39	28
राजकनिका	दाळीकेन्दा	2514	0	12	83
		2510	0	06	29
		2454	0	02	69
		2322	0	09	60
		2319	0	09	79
		991	0	01	92
		2309	0	01	00
		2314	0	00	60
		2313	0	01	65
		2311	0	00	63
		2310	0	00	10
		2312	0	02	34
		2316	0	00	38
		2300	0	03	47
		2299	0	02	26
		2301	0	08	60

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		2305	0	00	10
		2304	0	00	40
		2303	0	01	18
		2302	0	01	28
		2789	0	00	48
		2571	0	00	24
		2297	0	01	47
		1038	0	00	85
		1041	0	05	13
		2296	0	00	37
		1042	0	06	22
		2292	0	08	67
		1048	0	08	41
		1047	0	04	36
		1050	0	01	67
		1049	0	08	36
		1051	0	05	05
		1052	0	01	23
		1055	0	13	89
		1056	0	01	81
		1060	0	02	54
		1059	0	01	48
		1061	0	03	17
		1143	0	06	68
		1144	0	00	10
		2620	0	05	29
		1106	0	03	16
		1105	0	00	10
		1142	0	00	69
		1109	0	00	10
		1134	0	12	88
		1135	0	01	13
		1130	0	17	27
		1188	0	05	51
		1206	0	02	99

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		1205	0	04	87
		1204	0	02	17
		1202	0	06	07
	मंगलपूर	1121	0	01	73
		1223	0	03	94
		1224	0	04	75
		1151	0	02	57
		1150	0	05	11
		754	0	04	61
		753	0	05	62
		752	0	01	90
		751	0	01	83
		750	0	02	04
		1125	0	03	78
		653	0	00	51
		654	0	02	23
		711	0	00	59
		655	0	04	24
		709	0	01	04
		708	0	00	66
		707	0	01	22
		706	0	00	23
		705	0	00	69
		1133	0	00	10
		704	0	01	22
		667	0	00	10
		668	0	03	10
		669	0	03	47
		675	0	00	48
		674	0	01	77
		673	0	00	10
		676	0	17	17
		677	0	02	52
		563	0	00	83
		683	0	02	57

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		1185	0	03	89
		1184	0	02	10
		481	0	07	69
		490	0	00	10
		491	0	01	57
		492	0	00	82
		493	0	02	21
		494	0	00	91
		496	0	01	89
		495	0	13	07
		509	0	00	10
		1140	0	02	66
		394	0	00	10
		392	0	05	06
		391	0	02	20
		360	0	00	10
		362	0	00	10
		390	0	08	23
		389	0	06	53
		388	0	06	54
		387	0	07	50
		386	0	02	93
		384	0	01	00
		385	0	02	15
		337	0	09	92
		334	0	00	10
		336	0	04	53
		297	0	02	42
		298	0	02	42
		299	0	00	10
		294	0	02	38
		293	0	00	10
		85	0	00	10
		84	0	02	81

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		83	0	03	42
		82	0	03	19
		81	0	02	70
		80	0	02	55
		79	0	02	75
		66	0	05	97
		67	0	04	66
		65	0	02	19
		68	0	02	60
		63	0	03	00
		62	0	00	69
		64	0	12	00
केशनगर		179	0	03	52
		180	0	02	18
		181	0	02	86
		182	0	05	04
		202	0	04	26
		203	0	07	09
		220	0	07	02
		995	0	01	26
		222	0	03	18
		221	0	03	99
		966	0	02	85
		965	0	02	83
		964	0	00	10
		218	0	04	85
		217	0	11	75
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		273	0	04	97
		274	0	01	34
		275	0	01	40
		276	0	00	74
		278	0	00	85
		279	0	00	23

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		282	0	00	10
		272	0	04	27
		283	0	11	10
		284	0	00	10
		285	0	11	98
		286	0	01	75
		464	0	02	06
		47	0	00	10
	अच्छूतपूर	1780	0	01	78
		1771	0	01	05
		1770	0	06	32
		1768	0	03	68
		1767	0	00	10
		1774	0	06	28
		1865	0	00	10
		1755	0	00	10
		1761	0	01	73
		1849	0	00	40
		1764	0	00	40
		1762	0	01	62
		1714	0	02	99
		1713	0	01	85
		1712	0	02	14
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		1700	0	00	88
		1701	0	00	10
		1696	0	06	58
		1695	0	00	74
		1558	0	03	84
		1567	0	01	49

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		1901	0	00	10
		1566	0	02	09
		1570	0	01	21
		1565	0	05	72
		1571	0	00	25
		1796	0	01	69
		1572	0	07	48
		1552	0	07	66
		1553	0	04	16
		1845	0	00	12
		1786	0	01	31
		1025	0	00	98
		1024	0	01	25
		128	0	01	58
		129	0	03	94
		130	0	00	89
		131	0	02	35
		127	0	00	70
		133	0	00	99
		132	0	04	40
		118	0	07	45
		116	0	00	84
		114	0	00	71
		60	0	04	09
	वरुनाडिआ	626	0	04	69
		1003	0	00	28
		1002	0	00	99
		1001	0	02	38
		1000	0	02	97
		1004	0	00	10
		999	0	01	54
		998	0	02	00
		997	0	01	91
		996	0	02	17

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		994	0	00	40
		993	0	00	14
		975	0	01	66
		925	0	00	15
		924	0	00	75
		923	0	01	97
		920	0	00	46
		919	0	00	10
		4035	0	00	46
		922	0	00	89
		921	0	00	89
		918	0	00	31
		926	0	00	10
		869	0	00	33
		873	0	01	48
		874	0	01	68
		875	0	02	85
		876	0	01	89
		877	0	01	43
		878	0	01	22
		879	0	02	62
		880	0	00	40
		881	0	00	27
		882	0	00	26
		883	0	00	10
		885	0	00	10
		884	0	06	13
		895	0	03	06
		686	0	00	10
		685	0	00	35
		684	0	00	91
		683	0	01	74
		682	0	01	88

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		665	0	01	59
		664	0	05	04
		663	0	01	24
		662	0	00	47
		670	0	01	08
		669	0	00	44
		668	0	00	10
		661	0	00	48
		660	0	00	63
		659	0	00	12
		658	0	00	10
		672	0	07	44
		654	0	03	63
		673	0	01	46
		489	0	00	10
		4069	0	00	59
		491	0	01	90
		492	0	04	88
		493	0	02	21
		496	0	01	89
		497	0	02	24
		510	0	03	12
		511	0	03	12
		512	0	00	10
		513	0	04	50
		3986	0	01	12
		516	0	01	27
		519	0	01	80
		526	0	02	24
		527	0	01	22
		528	0	01	27
		566	0	01	05
		567	0	01	35
		571	0	00	10

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		570	0	01	17
		569	0	01	32
		572	0	03	36
		3871	0	01	05
		573	0	01	71
		574	0	01	18
		575	0	01	51
		3814	0	00	89
		576	0	01	24
		577	0	01	29
		578	0	01	45
		3832	0	01	92
		579	0	01	32
		580	0	02	65
		581	0	05	54
		585	0	03	40
		586	0	03	78
		587	0	04	14
		588	0	01	47
		589	0	02	46
		590	0	01	29
		591	0	01	63
		565	0	01	09
		592	0	03	12
		460	0	02	08
		256	0	11	99
		254	0	02	83
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		247	0	00	83
		246	0	01	73
		245	0	01	43
		244	0	01	90
		239	0	06	58
		240	0	04	61
		237	0	00	10

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		235	0	01	14
		234	0	02	56
		233	0	03	12
		232	0	02	35
		231	0	02	23
		230	0	12	48
		3744	0	02	70
	छदेश	1852	0	00	74
	गुन्जा	2232	0	01	68
		1220	0	02	21
		1219	0	03	45
		1218	0	07	73
		1217	0	02	33
		1221	0	01	29
		1222	0	01	10
		1223	0	03	59
		1228	0	05	89
		2338	0	03	40
		1229	0	02	81
		2512	0	00	87
		1237	0	02	20
		1238	0	02	52
		1239	0	00	97
		1240	0	01	10
		1241	0	02	34
		1242	0	02	35
		1243	0	01	83
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		1247	0	01	39
		1248	0	01	62
		1249	0	03	13
		1152	0	00	10
		1262	0	06	51
		1151	0	04	96

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		1150	0	03	46
		1149	0	00	49
		1147	0	02	25
		1100	0	01	06
		1101	0	05	10
		1116	0	03	13
		1117	0	10	28
		1118	0	00	10
		1130	0	00	10
		1129	0	06	19
		2526	0	01	33
		1137	0	00	48
		1138	0	04	33
		1139	0	06	82
		1127	0	02	78
		1140	0	03	29
		1317	0	02	28
		1318	0	02	79
		1319	0	03	99
		2371	0	00	10
		672	0	00	10
		673	0	00	47
		671	0	04	99
		667	0	03	40
		2052	0	01	37
		2321	0	01	78
		678	0	02	11
		659	0	01	61
		2322	0	00	10
		2521	0	00	10
		657	0	01	41
		658	0	02	57
		656	0	03	38
		642	0	07	95

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		650	0	02	99
		649	0	05	69
		643	0	03	95
		644	0	01	09
		645	0	02	92
		561	0	12	07
		560	0	01	86
		565	0	00	10
		564	0	00	19
		563	0	00	20
		562	0	06	13
		533	0	01	44
		536	0	07	25
		537	0	00	10
		535	0	05	15
		536	0	12	87
		519	0	13	54
		518	0	02	25
		517	0	00	91
		516	0	06	82
		513	0	00	10
		514	0	02	24
		2362	0	05	54
		507	0	05	98
		2367	0	02	94
		400	0	01	99
		503	0	03	03
		401	0	04	28
		402	0	05	47
		502	0	03	69
		501	0	03	85
		499	0	03	35
		497	0	10	60
		496	0	01	08

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		495	0	11	45
		494	0	03	99
		478	0	00	88
		1555	0	07	08
		1556	0	07	49
		479	0	02	47
		1562	0	02	44
	गोबिन्दपुर	613	0	01	24
		612	0	00	35
		610	0	00	10
		611	0	09	28
		597	0	14	87
		598	0	00	83
		599	0	01	04
		569	0	01	73
		570	0	07	53
		566	0	00	46
		567	0	00	89
		565	0	06	12
		556	0	00	27
		557	0	00	35
		558	0	03	66
		1458	0	00	35
		559	0	13	21
		1496	0	00	10
		545	0	07	82
		546	0	00	15
		544	0	10	28
		543	0	05	45
		542	0	02	23
		541	0	02	55
		717	0	02	47
		718	0	02	59
		540	0	04	17
		721	0	01	09

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		539	0	06	09
		724	0	02	66
		725	0	01	90
		1326	0	01	34
		727	0	00	10
		726	0	00	55
		1270	0	02	36
		743	0	01	24
		744	0	05	51
		732	0	04	51
		1429	0	01	48
		731	0	02	50
		733	0	02	76
		734	0	00	26
		730	0	00	47
		1269	0	04	20
	अचिन्ता	134	0	01	75
		131	0	12	24
		130	0	00	22
		366	0	05	75
		161	0	00	10
		129	0	07	69
		169	0	00	79
		170	0	00	86
		171	0	04	25
		172	0	00	16
		173	0	02	28
		127	0	09	48
		178	0	00	91
		179	0	02	86
		180	0	04	87
		370	0	02	22
		181	0	02	40
	जागुलीआपाड़ा	863	0	06	93

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		864	0	02	00
		893	0	00	10
		1061	0	34	50
		1543	0	00	50
		1540	0	05	28
		1541	0	00	79
		1539	0	06	27
		1538	0	00	10
		1536	0	08	66
		1535	0	02	17
		1534	0	02	43
		1533	0	04	32
		1528	0	03	66
		1527	0	04	48
		1526	0	04	20
		1525	0	03	46
		1520	0	03	78
		1519	0	00	22
		1716	0	00	11
		1717	0	00	72
		1721	0	02	82
		1722	0	02	03
		1723	0	02	15
		1726	0	02	94
		1725	0	00	20
		1729	0	00	53
		1728	0	02	20
		1732	0	00	10
		1731	0	06	73
		1735	0	03	71
		1736	0	06	73
		1507	0	00	10
		1505	0	07	05
		1495	0	02	14

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		1498	0	01	44
		1493	0	01	65
		1492	0	01	91
		1488	0	02	25
		1489	0	05	72
		1490	0	01	25
		1810	0	00	20
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		1811	0	01	20
		1813	0	02	18
		1814	0	01	43
		1815	0	04	81
		1458	0	05	10
		1824	0	19	15
		1457	0	00	10
		2259	0	00	23
		2591	0	00	91
		2258	0	00	29
		1848	0	08	49
		1849	0	01	64
		1847	0	00	15
		2212	0	00	52
		1850	0	00	51
		1851	0	08	23
		2173	0	01	95
		2172	0	01	16
		1853	0	03	41
		1915	0	01	24
		1916	0	15	03
		1897	0	01	69
		1896	0	01	36
		1895	0	01	95
		1894	0	00	62

1	2	3	4	5	6
		1879	0	00	25
		1881	0	00	53
		1882	0	04	63
		1880	0	00	49
		1884	0	00	17
		1883	0	01	42
		1877	0	00	10
		1885	0	04	29
	एकतला	558	0	01	30
		381	0	06	44
		384	0	03	25
		362	0	05	87
		365	0	00	10
		360	0	01	89
		359	0	05	68
		358	0	03	27
		357	0	00	34
		585	0	00	10
		559	0	03	45
		367	0	00	10
		308	0	05	50
		309	0	00	93
		310	0	00	23
		323	0	03	15
		267	0	01	88
		270	0	02	64
		271	0	03	71
		279	0	00	10
		278	0	01	02
		615	0	01	12
		275	0	03	38
		274	0	01	03
		282	0	00	69
		281	0	03	31
		280	0	05	59

1	2	3	4	5	6
		287	0	00	10
		296	0	02	94
		297	0	01	47
		298	0	02	76
		436	0	00	86
	माटिआ	1718	0	01	02
		1706	0	01	89
		1704	0	05	09
		1648	0	00	10
		1656	0	05	10
		1655	0	02	42
		1654	0	01	99
		1652	0	00	10
		1653	0	06	56
		1657	0	00	64
		1658	0	02	10
		1514	0	04	73
		1515	0	03	23
		1517	0	00	53
		1516	0	05	83
		1518	0	04	04
		1258	0	01	23
		1505	0	00	10
		1504	0	01	71
		1503	0	07	21
		1799	0	01	51
		1270	0	01	23
		1271	0	01	95
		1272	0	03	41
		1269	0	00	48
		1273	0	03	51
		1274	0	00	10
		1144	0	01	29
		1143	0	08	00
		1146	0	00	93

1.	2	3	4	5	6
		1147	0	00	10
		1136	0	08	19
		1148	0	01	41
		1063	0	12	52
		1065	0	00	10
		679	0	01	26
		1064	0	01	51
		678	0	00	49
		677	0	00	39
		668	0	01	57
		667	0	00	27
		666	0	00	24
		669	0	06	27
		663	0	00	10
		670	0	02	35
		671	0	01	90
		658	0	01	00
		645	0	02	65
		641	0	01	32
		643	0	00	42
		644	0	06	38
		542	0	06	94
		540	0	02	88
		543	0	00	67
		539	0	03	39
		1826	0	06	48
		377	0	16	10
		385	0	00	10
		374	0	00	27
		378	0	02	58
		372	0	08	67
		371	0	01	47
		583	0	04	18
		370	0	04	42
		369	0	00	10

1	2	3	4	5	6
		362	0	03	94
		363	0	05	82
		361	0	02	50
		364	0	01	50
		360	0	04	11
		232	0	00	10
		359	0	01	80
		358	0	03	47
		357	0	00	96
		238	0	04	70
		1798	0	01	28
		239	0	05	73
		240	0	01	25
		237	0	00	43
		215	0	03	41
		214	0	02	64
		212	0	05	31
		213	0	01	83
		210	0	00	92
		205	0	00	98
		206	0	04	17
		165	0	02	16
		172	0	02	46
		173	0	01	28
		174	0	00	10
		1756	0	03	22
		167	0	01	56
		166	0	00	10
		171	0	01	77
		169	0	01	99
		168	0	00	10
		170	0	04	77
		154	0	05	35
		155	0	02	16
		156	0	00	45

1	2	3	4	5	6
		143	0	11	81
		144	0	13	71
		138	0	01	30
		136	0	04	11
		135	0	06	13
		145	0	00	27
		457	0	12	28

[फा. सं. आर-25011/12/2004-ओ.आर-1]

रेणुका कुमार, अपर सचिव

New Delhi, the 31st May, 2004

S.O. 1294.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri. Ashok Kumar Dash, Competent Authority, Paradip – Haldia Pipeline Project, Indian Oil Corporation Limited, Indian Oil Corporation Limited Marketing Housing Complex, Meghadambara, Post office- Kuruda, Balasore – 756 056 (Orissa).

Schedule**District :Kendrapada****State : Orissa**

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Mahakalpada	Akharasali	454	0	71	75
		455	0	48	93
		576	0	03	06
		635	0	02	34
		472	0	07	77
		474	0	05	86
		473	0	00	24
		125	0	06	76
		485	0	06	96
		486	0	01	03
		85	0	11	13
		84	0	02	51
		99	0	02	08
		487	0	00	10
		83	0	02	41
		600	0	03	15
		554	0	09	77
		542	0	11	24
		54	0	10	55
		53	0	10	40
		602	0	08	33
		603	0	00	10
		49	0	14	00
		507	0	10	91
		45	0	01	91
		505	0	03	95
		504	0	07	85
		38	0	00	10
		39	0	08	38
		499	0	02	57
		34	0	11	28
		500	0	04	71
		33	0	01	52
		32	0	02	44
		30	0	04	02

1	2	3	4	5	6
		31	0	13	11
		622	0	02	10
		494	0	02	31
		493	0	04	18
		24	0	02	38
		621	0	02	38
		20	0	02	26
		492	0	01	37
		21	0	05	27
		18	0	02	28
		520	0	01	98
		19	0	00	52
		17	0	03	50
		11	0	01	18
		16	0	00	37
		12	0	06	80
		13	0	07	34
		1	0	19	05
		2	0	00	72
		3	0	07	43
	Bhargadobaranda	114	0	24	15
		115	0	13	91
		116	0	01	79
		117	0	05	29
		113	0	00	10
		104	0	18	48
	Rajendranagar	180	0	19	40
		181	0	14	65
		182	0	02	96
		900	0	00	47
		183	0	06	31
		184	0	01	94
		185	0	04	07
		168	0	00	33
		167	0	01	61
		166	0	02	59
		165	0	04	29
		164	0	01	75
		163	0	02	53
		162	0	03	39
		190	0	06	

1	2	3	4	5	6
		191	0	08	60
		149	0	00	10
		148	0	00	21
		147	0	00	52
		146	0	01	66
		145	0	01	89
		144	0	02	82
		143	0	03	40
		142	0	03	61
		141	0	02	92
		135	0	03	21
		134	0	03	12
		133	0	03	45
		132	0	03	64
		916	0	12	15
		208	0	11	29
		200	0	10	43
		207	0	01	73
		880	0	02	54
		205	0	03	71
		231	0	04	04
		232	0	02	54
		952	0	01	46
		233	0	03	23
		234	0	04	68
		235	0	03	48
		236	0	04	07
		237	0	02	06
		879	0	01	44
		230	0	00	10
		238	0	04	49
		239	0	01	65
		834	0	01	96
		241	0	04	52
		242	0	04	04
		229	0	00	10
		243	0	04	54
		227	0	02	03
		228	0	02	02
		221	0	02	88
		222	0	01	17

1	2	3	4	5	6
		226	0	00	10
		896	0	01	89
		223	0	00	92
		225	0	06	74
		268	0	00	10
		901	0	03	73
		269	0	01	00
		270	0	00	85
		271	0	00	69
		272	0	00	74
		273	0	00	84
		274	0	00	61
		275	0	00	67
		276	0	00	53
		278	0	03	23
		281	0	01	96
		899	0	00	10
		283	0	11	96
		42	0	01	20
		41	0	11	95
		949	0	08	35
		40	0	01	11
		286	0	05	95
		287	0	06	45
		957	0	06	34
		926	0	06	12
		289	0	10	76
		288	0	04	49
		296	0	13	69
		297	0	30	34
		299	0	02	44
		861	0	00	10
		300	0	04	09
		302	0	07	46
		803	0	00	14
		335	0	01	24
		805	0	03	30
		804	0	08	50
		934	0	03	48
	Guptagiri	169	0	14	23
		171	0	03	32

1	2	3	4	5	6
		19	0	00	10
		168	0	00	10
		170	0	03	05
		167	0	11	34
		164	0	08	59
		160	0	01	63
		165	0	01	45
		159	0	08	20
		10	0	07	54
		18	0	01	09
		11	0	03	74
		17	0	05	50
		14	0	02	55
	Kochila	505	0	03	17
		504	0	00	69
		400	0	07	13
		402	0	00	10
		407	0	10	41
		386	0	02	56
		698	0	00	70
		367	0	12	43
		328	0	01	90
		697	0	02	11
		696	0	00	10
		372	0	03	50
		822	0	05	38
		370	0	04	05
		701	0	04	81
		222	0	00	21
		369	0	01	95
		221	0	04	91
		219	0	02	60
		220	0	03	80
		705	0	00	70
		217	0	18	54
		171	0	15	24
		172	0	00	85
		204	0	00	20
		195	0	20	46
		194	0	00	30

1	2	3	4	5	6
		177	0	22	21
	Bachuria	450	0	04	31
		439	0	03	12
		452	0	00	20
		441	0	09	06
		442	0	02	73
		444	0	00	10
		495	0	00	93
		437	0	02	56
		348	0	07	21
		466	0	00	10
		589	0	02	74
		590	0	02	27
		588	0	01	72
		345	0	00	66
		587	0	00	15
		346	0	01	22
		331	0	02	30
		614	0	02	45
		329	0	01	35
		612	0	14	51
		498	0	05	59
		325	0	22	58
		321	0	27	55
	Aroi	831	0	25	17
		832	0	07	43
		817	0	03	25
		847	0	03	21
		1002	0	07	20
		818	0	00	10
		814	0	12	06
		819	0	00	20
		1065	0	01	36
		798	0	32	42
		554	0	00	23
		582	0	13	04
		560	0	03	64
		561	0	03	23
		581	0	03	70
		569	0	00	10
		572	0	03	98

1	2	3	4	5	6
		571	0	02	25
		573	0	01	84
		570	0	03	46
		574	0	01	65
		550	0	00	89
		549	0	02	20
		545	0	16	11
		546	0	08	57
		537	0	07	11
		468	0	15	21
		470	0	05	33
		991	0	00	52
		990	0	08	12
		423	0	00	10
		422	0	00	19
		421	0	00	32
		417	0	00	71
		416	0	00	10
		415	0	00	44
		425	0	13	21
		427	0	02	50
		428	0	02	38
		429	0	02	22
		430	0	02	14
		431	0	00	18
		426	0	00	10
		414	0	01	90
		410	0	00	76
		409	0	01	44
		411	0	06	53
		407	0	01	71
		374	0	01	43
		376	0	01	31
		377	0	00	10
		378	0	01	24
		375	0	20	15
		368	0	01	17
		344	0	21	71
		345	0	05	48
		1029	0	00	10
		346	0	05	51

1	2	3	4	5	6	7
14	70	0	333	0	32	18
38	40	0	332	0	01	11
10	00	0	347	0	01	61
50	10	0	331	0	00	79
50	15	0	330	0	16	62
78	50	0	329	0	04	09
78	80	0	326	0	04	38
78	1	0	964	0	01	26
18	50	0	324	0	02	72
08	80	0	1055	0	16	01
11	15	0	1039	0	06	62
38	80	0	1038	0	23	91
88	10	0	250	0	00	28
88	50	0	1040	0	16	38
21	80	0	259	0	01	90
28	40	0	869	0	00	10
78	00	0	268	0	12	15
80	80	0	257	0	00	20
88	50	0	871	0	00	10
88	10	0	872	0	08	10
48	00	0	253	0	00	10
44	10	0	254	0	00	10
55	01	0	255	0	09	22
80	80	0	256	0	06	39
10	00	0	663	0	08	54
88	40	0	662	0	09	85
80	80	0	664	0	09	44
00	80	0	638	0	02	93
48	00	0	637	0	01	63
88	40	0	568	0	00	10
48	80	0	567	0	00	51
88	15	0	566	0	07	52
78	40	0	570	0	00	10
11	41	0	565	0	00	17
78	80	0	571	0	00	24
50	40	0	564	0	06	01
00	50	0	478	0	03	23
88	80	0	479	0	00	10
78	80	0	477	0	13	15
80	80	0	592	0	00	10
88	40	0	597	0	00	10

1	2	3	4	5	6
		596	0	07	14
		475	0	04	36
		451	0	00	10
		452	0	01	02
		104	0	12	20
		535	0	02	97
		386	0	06	37
		385	0	01	57
		384	0	04	81
		383	0	03	30
		380	0	12	41
		348	0	05	30
		345	0	01	28
		347	0	02	23
		346	0	05	15
		510	0	04	25
		354	0	00	37
		339	0	08	06
		340	0	02	78
		335	0	10	79
		336	0	00	34
		334	0	01	44
		331	0	10	22
		330	0	03	03
		538	0	00	10
		328	0	04	83
		327	0	06	08
		326	0	03	00
		323	0	00	54
		324	0	04	26
		325	0	03	46
		282	0	15	62
		281	0	04	75
	Nantar	1006	0	14	11
		972	0	76	67
		973	0	04	02
		974	0	02	00
		975	0	03	33
		1381	0	03	37
		976	0	06	06
		1047	0	04	29

1	2	3	4	5	6
		1377	0	02	00
		86	0	04	51
		85	0	11	53
		84	0	01	68
		83	0	00	55
		82	0	04	59
		1438	0	03	18
		81	0	07	24
	Baradang	546	0	06	21
		547	0	13	18
		605	0	02	03
		606	0	02	76
		607	0	00	68
		608	0	12	46
		609	0	03	02
		545	0	04	83
		1357	0	01	77
		530	0	02	12
		529	0	03	73
		528	0	00	42
		527	0	26	51
		513	0	06	11
		514	0	06	90
		1424	0	09	68
		1425	0	04	05
		510	0	06	75
		509	0	07	04
		508	0	05	22
		506	0	03	05
		505	0	01	17
		1423	0	04	26
		496	0	00	36
		498	0	05	92
		497	0	00	10
		490	0	05	05
		493	0	05	91
		491	0	01	65
		492	0	00	40
		486	0	00	14
	Jagati	290	0	03	03
		289	0	08	33

1	2	3	4	5	6
00	00	0	288	0	06
02	00	0	287	0	03
03	00	0	286	0	03
04	00	0	285	0	03
05	00	0	284	0	04
06	00	0	296	0	03
07	00	0	276	0	36
08	00	0	262	0	00
09	00	0	263	Balsang	26
10	00	0	272	0	03
11	00	0	271	0	00
12	00	0	265	0	07
13	00	0	266	0	05
14	00	0	1184	0	03
15	00	0	1160	0	03
16	00	0	1161	0	02
17	00	0	1164	0	03
18	00	0	1165	0	03
19	00	0	1166	0	02
20	00	0	1168	0	03
21	00	0	1167	0	00
22	00	0	1170	0	04
23	00	0	1171	0	00
24	00	0	547	0	00
25	00	0	546	0	04
26	00	0	545	0	00
27	00	0	549	0	01
28	00	0	544	0	06
29	00	0	541	0	02
30	00	0	542	0	02
31	00	0	536	0	03
32	00	0	535	0	01
33	00	0	534	0	03
34	00	0	520	0	20
35	00	0	514	0	00
36	00	0	519	0	06
37	00	0	1317	0	00
38	00	0	466	0	10
39	00	0	464	0	00
40	00	0	465	itsp	04
41	00	0	454	0	11

Baharsubala

1	2	3	4	5	6
88	10	0	055 452	0	00 26
89	80	0	815 453	0	01 34
18	40	0	801 438	0	00 79
10	00	0	401 448	0	00 41
18	80	0	801 449	0	01 83
43	00	0	001 450	0	00 38
20	21	0	88 1286	0	03 41
51	30	0	88 1200	0	03 89
28	00	0	78 289	0	00 10
88	50	0	811 288	0	05 13
55	50	0	488 1196	0	00 52
28	30	0	88 290	0	06 46
18	10	0	18 291	0	00 10
42	10	0	78 294	0	09 08
18	20	0	88 293	0	05 88
18	10	0	88 292	0	00 93
51	80	0	28 1407	0	04 44
88	70	0	37 306	0	06 65
55	20	0	58 334	0	00 78
78	30	0	215 315	Basodichu	01 78
47	50	0	215 314	0	10 36
70	71	0	215 313	0	02 96
88	30	0	015 312	0	01 58
28	20	0	88 385	0	02 20
48	01	0	808 74	0	00 87
33	81	0	881 73	0	03 80
28	28	0	787 1326	Basodini	06 34
88	10	0	887 76	0	00 19
10	40	0	887 78	0	00 71
10	30	0	887 1339	0	01 80
55	40	0	887 79	0	00 10
71	50	0	78 1	Kiransu	17 22
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		1768	0	01	60
		1756	0	04	01
		1758	0	03	01
		1729	0	04	32
	Kholanai	267	0	02	71
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		271	0	02	44
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		276	0	05	15
		413	0	02	33
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		232	0	03	17
		231	0	01	90
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		221	0	03	26
		215	0	01	62
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	Kakatpur	306	0	12	33
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		127	0	04	34
		1091	0	04	37
		137	0	02	25
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Pattamundai	Sangkrupa.	497	0	17	81
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		488	0	03	37
		206	0	06	63
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	Baliapali	263	0	00	10
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		453	0	03	89
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		553	0	04	05
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Rajanagar	Firkidandi	1275	0	01	59
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		80	0	02	55
		79	0	02	75
		66	0	05	97
		67	0	04	66
		65	0	02	19
		68	0	02	60
		63	0	03	00
		62	0	00	69
		64	0	12	00
	Keshnagar	179	0	03	52
		180	0	02	18
		181	0	02	86
		182	0	05	04
		202	0	04	26
		203	0	07	09
		220	0	07	02
		995	0	01	26
		222	0	03	18
		221	0	03	99
		966	0	02	85

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		964	0	00	10
		218	0	04	85
		217	0	11	75
		246	0	01	05
		273	0	04	97
		274	0	01	34
		275	0	01	40
		276	0	00	74
		278	0	00	85
		279	0	00	23
		281	0	00	10
		282	0	00	10
		272	0	04	27
		283	0	11	10
		284	0	00	10
		285	0	11	98
		286	0	01	75
		464	0	02	06
		47	0	00	10
	Acchutpur	1780	0	01	78
		1771	0	01	05
		1770	0	06	32
		1768	0	03	68
		1767	0	00	10
		1774	0	06	28
		1865	0	00	10
		1755	0	00	10
		1761	0	01	73
		1849	0	00	40
		1764	0	00	40
		1762	0	01	62
		1714	0	02	99
		1713	0	01	85
		1712	0	02	14
		1711	0	02	35
		1698	0	08	12
		1699	0	00	22
		1697	0	00	51
		1694	0	00	10
		1700	0	00	88

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		1558	0	03	84
		1567	0	01	49
		1569	0	00	10
		1901	0	00	10
		1566	0	02	09
		1570	0	01	21
		1565	0	05	72
		1571	0	00	25
		1796	0	00	69
		1572	0	07	48
		1552	0	07	66
		1553	0	04	16
		1845	0	00	12
		1786	0	01	31
		1025	0	00	98
		1024	0	01	25
		128	0	01	58
		129	0	03	94
		130	0	00	89
		131	0	02	35
		127	0	00	70
		133	0	00	99
		132	0	04	40
		118	0	07	45
		116	0	00	84
		114	0	00	71
		60	0	04	09
	Canada	626	0	04	69
		1003	0	00	28
		1002	0	00	99
		1001	0	02	38
		1000	0	02	97
		1004	0	00	10
		999	0	01	54
		998	0	02	00
		997	0	01	91
		996	0	02	17
		995	0	01	15

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		4035	0	00	46
		922	0	00	89
		921	0	00	89
		918	0	00	31
		926	0	00	10
		869	0	00	33
		873	0	01	48
		874	0	01	68
		875	0	02	85
		876	0	01	89
		877	0	01	43
		878	0	01	22
		879	0	02	62
		880	0	00	40
		881	0	00	27
		882	0	00	26
		883	0	00	10
		885	0	00	10
		884	0	06	13
		895	0	03	06
		686	0	00	10
		685	0	00	35
		684	0	00	91
		683	0	01	74
		682	0	01	88
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		665	0	01	59
		664	0	05	04
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		659	0	00	12
		658	0	00	10
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		654	0	03	63
		673	0	01	46
		489	0	00	10
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		491	0	01	90
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		497	0	02	24
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		511	0	03	12
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		516	0	01	27
		519	0	01	80
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		527	0	01	22
		528	0	01	27
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		567	0	01	35
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		570	0	01	17
		569	0	01	32
		572	0	03	36
		3871	0	01	05
		573	0	01	71
		574	0	01	18
		575	0	01	51
		3814	0	00	89
		576	0	01	24
		577	0	01	29
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		3832	0	01	92
		579	0	01	32
		580	0	02	65

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		586	0	03	78
		587	0	04	14
		588	0	01	47
		589	0	02	46
		590	0	01	29
		591	0	01	63
		565	0	01	09
		592	0	03	12
		460	0	02	08
		256	0	11	99
		254	0	02	83
		3933	0	00	29
		247	0	00	83
		246	0	01	73
		245	0	01	43
		244	0	01	90
		239	0	06	58
		240	0	04	61
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		235	0	01	14
		* 234	0	02	56
		233	0	03	12
		232	0	02	35
		231	0	02	23
		230	0	12	48
		3744	0	02	70
	chhadesh	1852	0	00	74
	Gunja	2232	0	01	68
		1220	0	02	21
		1219	0	03	45
		1218	0	07	73
		1217	0	02	33
		1221	0	01	29
		1222	0	01	10
		1223	0	03	59
		1228	0	05	89
		2338	0	03	40
		1229	0	02	81

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1130	0	00	10	
1129	0	06	19	
2526	0	01	33	
1137	0	00	48	
1138	0	04	33	
1139	0	06	82	
1127	0	02	78	
1140	0	03	29	
1141	0	02	28	
1142	0	02	79	
1143	0	03	99	
1144	0	00	10	
1145	0	00	10	
1146	0	00	47	
1147	0	04	99	
1148	0	03	40	
1149	0	01	37	

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		678	0	02	11
		659	0	01	61
		2322	0	00	10
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		656	0	03	38
		642	0	07	95
		654	0	01	03
		650	0	02	99
		649	0	05	69
		643	0	03	95
		644	0	01	09
		645	0	02	92
		561	0	12	07
		560	0	01	86
		565	0	00	10
		564	0	00	19
		563	0	00	20
		562	0	06	13
		533	0	01	44
		536	0	07	25
		537	0	00	10
		535	0	05	15
		536	0	12	87
		519	0	13	54
		518	0	02	25
		517	0	00	91
		516	0	06	82
		513	0	00	10
		514	0	02	24
		2362	0	05	54
		507	0	05	98
		2367	0	02	94
		400	0	01	99
		503	0	03	03
		401	0	04	28
		402	0	05	47
		502	0	03	69
		501	0	03	85

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		497	0	10	60
		496	0	01	08
		495	0	11	45
		494	0	03	99
		478	0	00	88
		1555	0	07	08
		1556	0	07	49
		479	0	02	47
		1562	0	02	44
Gobindpur		613	0	01	24
		612	0	00	35
		610	0	00	10
		611	0	09	28
		597	0	14	87
		598	0	00	83
		599	0	01	04
		569	0	01	73
		570	0	07	53
		566	0	00	46
		567	0	00	89
		565	0	06	12
		556	0	00	27
		557	0	00	35
		558	0	03	66
		1458	0	00	35
		559	0	13	21
		1496	0	00	10
		545	0	07	82
		546	0	00	15
		544	0	10	28
		543	0	05	45
		542	0	02	23
		541	0	02	55
		717	0	02	47
		718	0	02	59
		540	0	04	17
		721	0	01	09
		722	0	00	85
		539	0	06	09
		724	0	02	66

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		1326	0	01	34
		727	0	00	10
		726	0	00	55
		1270	0	02	36
		743	0	01	24
		744	0	05	51
		732	0	04	51
		1429	0	01	48
		731	0	02	50
		733	0	02	76
		734	0	00	26
		730	0	00	47
		1269	0	04	20
Achinta		134	0	01	75
		131	0	12	24
		130	0	00	22
		366	0	05	75
		161	0	00	10
		129	0	07	89
		169	0	00	79
		170	0	00	88
		171	0	04	25
		172	0	00	18
		173	0	02	28
		177	0	09	48
		178	0	00	91
		179	0	02	86
		180	0	04	87
		370	0	02	22
		181	0	02	40
Jaguliapada		863	0	08	93
		862	0	00	10
		864	0	02	00
		893	0	00	10
		1061	0	34	50
		1543	0	00	50
		1540	0	05	28
		1541	0	00	79
		1539	0	06	27
		1538	0	00	10

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		1535	0	02	17
		1534	0	02	43
		1533	0	04	32
		1528	0	03	66
		1527	0	04	48
		1526	0	04	20
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		1520	0	03	78
		1519	0	00	22
		1716	0	00	17
		1717	0	00	72
		1721	0	02	82
		1722	0	02	03
		1723	0	02	15
		1726	0	02	94
		1725	0	00	20
		1729	0	00	53
		1728	0	02	20
		1732	0	00	10
		1731	0	06	73
		1735	0	03	71
		1736	0	06	73
		1507	0	00	10
		1505	0	07	05
		1495	0	02	14
		1494	0	00	28
		1498	0	01	11
		1496	0	01	44
		1493	0	01	65
		1492	0	01	91
		1488	0	02	25
		1489	0	05	72
		1490	0	01	25
		1810	0	00	20
		1812	0	01	08
		1811	0	01	20
		1813	0	02	18
		1814	0	01	43
		1815	0	04	81
		1458	0	05	10

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		1457	0	00	10
		2259	0	00	23
		2591	0	00	91
		2258	0	00	29
		1848	0	08	49
		1849	0	01	64
		1847	0	00	15
		2212	0	00	52
		1850	0	00	51
		1851	0	08	23
		2173	0	01	95
		2172	0	01	16
		1853	0	03	41
		1915	0	01	24
		1916	0	15	03
		1897	0	01	69
		1896	0	01	36
		1895	0	01	95
		1894	0	00	62
		1879	0	00	25
		1881	0	00	53
		1882	0	04	63
		1880	0	00	49
		1884	0	00	17
		1883	0	01	42
		1877	0	00	10
		1885	0	04	29
	Ektala	556	0	01	30
		361	0	06	44
		584	0	03	25
		362	0	05	87
		365	0	00	10
		360	0	01	89
		359	0	05	68
		358	0	03	27
		357	0	00	34
		585	0	00	10
		559	0	03	45
		367	0	00	10
		308	0	05	50

1	2	3	4	5	6
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		310	0	00	23
		323	0	03	15
		267	0	01	88
		270	0	02	64
		271	0	03	71
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		296	0	02	94
		297	0	01	47
		298	0	02	76
		436	0	00	86
	Matia	1718	0	01	02
		1706	0	01	89
		1704	0	05	09
		1648	0	00	10
		1656	0	05	10
		1655	0	02	42
		1654	0	01	99
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		1657	0	00	64
		1658	0	02	10
		1514	0	04	73
		1515	0	03	23
		1517	0	00	53
		1516	0	05	83
		1518	0	04	04
		1258	0	01	23
		1505	0	00	10
		1504	0	01	71
		1503	0	07	21
		1799	0	01	51
		1270	0	01	23
		1271	0	01	95

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		1273	0	03	51
		1274	0	00	10
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		1143	0	08	00
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		1064	0	01	51
		678	0	00	49
		677	0	00	39
		668	0	01	57
		667	0	00	27
		666	0	00	24
		669	0	06	27
		663	0	00	10
		670	0	02	35
		671	0	01	90
		658	0	01	00
		645	0	02	65
		641	0	01	32
		643	0	00	42
		644	0	06	38
		542	0	06	94
		540	0	02	88
		543	0	00	67
		539	0	03	39
		1826	0	06	48
		377	0	16	10
		385	0	00	10
		374	0	00	27
		378	0	02	58
		372	0	08	67
		371	0	01	47
		583	0	04	18
		370	0	04	42
		369	0	00	10
		362	0	03	94

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		361	0	02	50
		364	0	01	50
		360	0	04	11
		232	0	00	10
		359	0	01	80
		358	0	03	47
		357	0	00	96
		238	0	04	70
		1798	0	01	28
		239	0	05	73
		240	0	01	25
		237	0	00	43
		215	0	03	41
		214	0	02	64
		212	0	05	31
		213	0	01	83
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		166	0	00	10
		171	0	01	77
		169	0	01	99
		168	0	00	10
		170	0	04	77
		154	0	05	35
		155	0	02	16
		156	0	00	45
		143	0	11	81
		144	0	13	71
		138	0	01	30
		136	0	04	11
		135	0	06	13
		145	0	00	27
		457	0	12	28

[F. No. R-25011/12/2004-O.R.-I]

RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

State : Jharkhand

Industry : Coal

नई दिल्ली, 11 मई, 2004

Dated, the 22nd April, 2004

AWARD

का. आ. 1295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 280/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/414/2001-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 11th May, 2004

S.O. 1295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 280/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/414/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD**

In the matter of a reference under Sec. 10(1)(d)(2A) of Industrial Disputes Act, 1947.

Reference No. 280 of 2001**PARTIES:**

Employers in relation to the management of Kharkharee Colliery Govindpur Area of BCCL.

AND

Their Workmen

PRESENT:

Shri B. Biswas, Presiding Officer

Appearances:

For the Employer : Shri D. K. Verma, Advocate

For the Workman : None.

By order No. L-20012/414/2001-I.R. (C-I) dated the 23rd October, 2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the denial of regularisation of Sri Chandrabhan Harizan as Loading Clerk by the management of Kharkharee Colliery Govindpur Area of M/s. BCCL is legal and justified? If not, to what relief is the workman entitled and from what date?”

2. Record shows that inspite of giving sufficient opportunities and also inspite of issuance of notices neither the concerned workman nor his representative appeared to take any step for filing written statement on their part. It therefore appears that the parties are not interested to proceed with the hearing of this case.

3. In such circumstances I render a ‘No Dispute Award’ in the present case presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. आ. 1296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी एम पी डी आई एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 211/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/586/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 211/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CMPDIL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/586/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, DHANBAD**

In the matter of a reference under Sec. 10(1)(d)(2A)
of Industrial Disputes Act, 1947.

Reference No. 211 of 1999

PARTIES:

Employers in relation to the management of C.M.P.D.I.
Ltd.

AND

Their Workmen

PRESENT:

Shri B. Biswas, Presiding Officer.

Appearances:

For the Employers : Shri A. K. Mishra,
Personnel Officer.

For the Workman : None.

State : Jharkhand Industry : Coal

Dated, the 22nd April, 2004

AWARD

By order No. L-20012/586/98-I.R. (C-I) dated the 17th May, 1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"KYA SHRI BIJU LOHAR VIDHAI CANTEEN KEY
KARMAKAR HONEY KENATEY C.M.P.D.I. KEY
SIDHEY KARMAKAR MANEY JANEY CHAHIYA ?
YADI HA TO IS SAMBHANDH MEY KYA DINANK
15-6-98 SEY THEKE KI SAMPATI PAR UNKI
SEVAYA SAMAPTA KIYA JANA VIDIBAT EVAM
NAYASANGAT HAI YADI NAHI TO KARMAKAR
KIS RAHAT KEY PATRA HAI ?"

2. This reference case is pending since 1999. It transpires from the record that sufficient opportunities were given to the parties for filing written statement but in spite of giving ample opportunities they have failed to file written statement on their behalf. Gesture of the parties shows clearly that they are not interested to proceed with the hearing of this case.

3. Under such circumstances I render a 'No Dispute Award' in this present case presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. अ. 1297.—औद्योगिक विवाद औद्योगिक विवाद 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार का. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 206/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/82/83-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 206/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/82/83-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD****PRESENT:**

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Sec. 10(1)(d) of the I.D. Act, 1947.

Reference No. 206 of 1999

PARTIES:

Employers in relation to the management of Putki
Balihari Colliery of M/s. BCCL and their workmen.

Appearances:

On behalf of the workmen : None.

On behalf of the employers : Mr. B. M. Prasad,
Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 22nd April, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (82)/83-(C-I) dated, the 26th April, 1999.

SCHEDULE

"KYA DHANBAD COLLIERY KARMCHARI SANGH KA DABA KI PRAGATTISHIL COOPERATIVE SAHAYOG SAMITY KE TATWADHAN MEY KARYARATA KARMAKARO S/SHRI DEVRAJ MISHRA, HAREY KRISHNA MISHRA, DEVKUMAR, HARERAM SINGH, VRAJ RAJ MISHRA EVAM TARKESHWAR SINGH KO B.C.C.L., PUTKI BARIHARI KSHETRA KA SIDHA KARMAKAR MANTEY HUA UKTA PRABANDHAN MEY NIYAMATA KIYA JAYAKYUKI BEY THEKA MAZDOORI ADHINIYAM KEY ANTGART PRATIVANDHIT SHRENI KEY KARYA PAR KARYARAT HAI, MANYA HAI, YADI HAN TO UKT KARMAKAR KIS RAHAT KEY PATRA HAI TATHA KIS TARIKH SEY?"

2. The case of the concerned workman according to written statement submitted by the sponsoring Union on their behalf in brief is as follows :

The sponsoring Union submitted that the management employed the concerned workman at 5/6 Hydromines Balihari colliery in the year 1998 for performing the jobs of Tyndal roof supporting, coal cutting, lime packing, line fittings etc. They submitted that all the aforesaid jobs in which the concerned workmen were engaged falls under the prohibited category under Contract Labour (Regulation & Abolition) Act, 1970, as because the same are incidental and prennial in nature and are done ordinarily through regular workmen. They submitted that those workmen put in 190 days attendance in each calendar year. They disclosed that the concerned workmen were members of Co-operative Society named Pragatisheel Cooperative Sahyog Samity and the management engaged that society to undertake various contractual jobs knowing fully well that they had no licence as required under the Contract Labour (Regulation and Abolition) Act, 1970. They submitted that for doing the said job management used to supply all necessary equipments to the concerned workmen and they used to perform the jobs under direct supervision and control of the officials of the management. They alleged that in spite of getting service of the concerned workmen like regular workmen management never paid their wages

as per N.C.W.A. They further alleged that in order to avoid proper payments and consequential benefits viz. bonus and P.F. contribution the management used to prepare bills for payment of wages in the name of the contractor though they used to pay wages directly to them as well as through Cooperative Bank. In spite of showing such high-handedness by the management the concerned workmen used to accept wages not as per N.C.W.A. with the expectation that they would be regularised in future. They disclosed that as the management did not consider necessary to regularise the concerned workmen in spite of their rendering continuous service, they submitted representation requesting them to regularise but to no effect and for which they raised an industrial dispute before ALC(C), Dhanbad for conciliation which ultimately resulted in reference to this Tribunal for adjudication.

Accordingly, they submitted prayer to pass award directing the management to regularise the concerned workmen with retrospective effect along with consequential benefits.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement. They categorically submitted that the alleged concerned workmen were never engaged by them or by the person to whom work was allotted through open tenders to supply small number of workers for a limited period to meet the exigency of work. They submitted that the persons who supplied his men for a limited period has duly been paid as per agreement for the work done. They also categorically denied the fact of engagement of the concerned workmen with a view to carry on jobs of prohibited category as per contract labour (Regulation and Abolition) Act, 1970. They disclosed that for employment of any workman they are to follow the rules of recruitment applicable there. Accordingly they submitted prayer to pass award rejecting the claim of the concerned workmen.

4. Points to be decided

"Kya Dhanbad Colliery Karmchari Sangh Ka Daba Ki Pragatishil Cooperative Sahayog Samity Ke Tatwadhan Mey Karyarata Karmakaro S/Shri Devraj Mishra, Harey Krishan Mishra, Devkumar, Hareram Singh, Vraj Raj Mishra Evam Tarkeshwar Singh Ko B.C.C.L. Putki Harihari Kshetra Ka Sidha Karmakar Mantey Hua Ukta Pravandhan Mey Niyamata Kiya Jaya kyu Ki Bey Theka Mazdoori Adhiniyam Key Antgart Prativandhit Shreni Key Karya Par Karyarat Hai, Manyai Hai, Yadi Han To Ukt Karmkar Kis Rahat Key Patra Hai Tatha Kis Tarikh Sey."

5. Finding with Reasons

It transpires from the record that in spite of getting sufficient opportunities the sponsoring Union in course of

hearing did not come forward to adduce evidence with a view to substantiate the claim of the concerned workmen. In the circumstances management also declined to adduce any evidence excepting pleadings of both sides on material evidence is forthcoming before this Tribunal to consider whether the claim of the sponsoring Union has any material value or not. Accordingly, relying on the facts disclosed in the written statements of both sides let me consider whether the concerned workmen are entitled to get award in view of their prayer. It is the specific contention of the sponsoring Union that management employed the concerned workmen in the year 1988 at 5/6 Hydromines Balihari Colliery to undertake the jobs of Tyndals, roof supporting, coal cutting, lime packing, lime fitting etc. They disclosed that in the said capacity they worked continuously and put in 190 days attendance in each year. It is their further contention that the work which they used to perform were prohibited category of job as per Contract Labour (Regulation & Abolition) Act 1970. It is their further contention that the concerned workmen were members of Proгатisheel Co-operative Sahyog Samity who had no licence at all under the said act to undertake any such work. They disclosed that the said society was a camouflage one and the management in disguise of that camouflage society actually exploited the service of the concerned workmen and compelled them to perform prohibited category of job paying less wages violating the provision of N.C.W.A. Management on the contrary denying the claim of the sponsoring Union submitted that as their organisation is a public sector undertaking organisation they are to abide by the recruitment policy for employment of any worker under them. They disclosed that in case of any exigency they engage contractor as per tender to undertake certain job of purely temporary in nature. Disclosing this fact they further submitted that question of using any worker of the contractor to undertake any job of prohibited category, never arose. They emphatically submitted that they never engaged the concerned workmen at 5/6 Hydro Mining Balihari colliery in the year 1988 and accordingly there was no scope of these workmen to put in their attendance for more than 190 days in a year.

The claim of the sponsoring union is absolutely based on documentary evidence. Considering record I have failed to find out an iota of evidence relying on which there is scope to draw conclusion that the concerned workman were employed by the management in the year 1988. The sponsoring Union neither have been able to produce any letter of appointment, identity card nor a scrap of wage slip to show that they were actually employed by the management and they paid wages for less wages as that of the regular workmen violating the provision of N.C.W.A.

It is the specific claim of the sponsoring Union that the concerned workmen were members of unrecognised cooperative society under the name and style Proгатisheel Sramik Sahyog Samity but in spite of claiming so they have

failed to produce their membership card. They have also failed to produce any paper to show that management engaged that society to undertake the jobs of prohibited category. It is the specific claim of the sponsoring Union that the said society was nothing but a camouflage one and the management in disguise of that society actually engaged the concerned workmen to undertake the jobs of prohibited category.

The allegations which the sponsoring Union have brought against the management in the matter of exploitation of the services of the concerned workmen is no doubt serious and accordingly initial onus absolutely was on them to establish the same but I find no hesitation to say that they have lamentably failed to establish the same.

Facts disclosed in the written statement cannot be considered as substantive piece of evidence until and unless it is substantiated by cogent evidence. Accordingly relying on the facts disclosed in the written statement there is no scope to uphold the contention of the sponsoring Union and for which they are not entitled to get any benefit.

In the result, the following award is rendered —

“The claim of Dhanbad Colliery Karmachri Sangh that S/Shri Deoraj Mishra, Hare Krishna Mishra, Deo Kumar, Hare Ram Singh, Brajraj Mishra and Tarkeshwar who had been working under Proгатisheel Co-operative Sahyog Samitee should be treated as directly employed workmen of B.C.C.I., Pootki Balihari Area and they should be regularised because they have been working in Prohibited Category of Jobs as per Contract Labour (Regulation & Abolition) Act, is not acceptable. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. आ. 1298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. सि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अक्षिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 208/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/193/2001-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 208/2001)

of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/193/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2 AT DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A)
of the I.D. Act, 1947.

Reference No. 208 of 2001

PARTIES:

Employers in relation to the management of Kustore
Area of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT:

● Shri B. Biswas, Presiding Officer.

Appearances:

For the Employers : Shri H. Nath, Advocate

For the Workman : None.

State : Jharkhand. Industry : Coal.

Dated, the 22nd April, 2004.

AWARD

By Order No. L-20012/193/2001-IR (C-1) dated the 11th July, 2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"KYA BHARAT COKING COAL LIMITED KEY
PARVANDHTANTRA DWARA SHRI JITAN
YADAV, MECHANICAL FITTER, BHALGORA,
CENTRAL WORKSHOP KO SHRENI-6 MEY
PADOUNNAT NA KARNA KANUN, NAYA EVAM
TARK KI DRISHTI SEY UCHIT HA ? YADINAH
TO KARMAKAR KIS LABH KO PANEY KA
HAKDAR HAI TATHA KIS TARIKH SEY ?"

2. From the record it appears that in spite of issuing notices to the parties and giving opportunities to the parties neither the concerned workman nor the representative of the concerned workman appeared and filed written statement. It, therefore, appears that the parties are not interested to proceed with the case.

3. In such circumstances I render a 'No Dispute Award' in the present case presuming non-existence of industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

कां. आ. 1299. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 75/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/76/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 75/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/76/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2 AT DHANBAD

In the matter of an Industrial Dispute under
Sec. 10(1)(d)(2A) of the I.D. Act, 1947.

Reference No. 75 of 1999

PARTIES:

Employers in relation to the management of
Govindpur Area No. III of M/s. BCCL.

AND

Their Workmen.

PRESENT:

Shri B. Biswas, Presiding Officer.

Appearances:

For the Employers : None.

For the Workman : None.

State : Jharkhand

Industry : Coal

Dated, the 22nd April, 2004.

AWARD

By Order No. L-20012/76/98-I.R. (C-I) dated the 27-1-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in dismissal from service of Shri Babshidhar Bauri is justified? If not, to what relief the concerned workman is entitled to?"

2. Record shows that in spite of issuance of repeated notices to the parties neither the concerned workman nor his representative appeared and filed written statement on their behalf. None appeared on behalf of the management also. The case is pending since 1999. The gesture of the parties if looked into it will expose clearly that they are not interested to proceed with the case.

3. Accordingly, I render a 'No Dispute Award' in the present case presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

क्रा.अ. 1300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 126/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/308/96-आई. आर. (सी-1)]

एस. एस. गुप्ता, ज्येष्ठ सचिव

New Delhi, the 11th May, 2004

S.O. 1300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 126/96) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/308/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 126 of 1996.

PARTIES:

Employers in relation to the management of Lodna Area No. 10 of M/s. BCCL and their workman.

Appearances:

On behalf of the workmen : Mr. N.G. Arun, Authorised Representative, RCMS.

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand.

Industry : Coal.

Dated, the 22nd April, 2004.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/308/96-IR (Coal-I) dated, the 4th October, 1996.

SCHEDULE

"Whether the action of the management of South Tisra Colliery of M/s. BCCL in dismissing the workman Shri Govind Bouri is justified? If not, to what relief is the said workman entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

It has been submitted by the sponsoring union that the concerned workman was a casual worker at South Tisra

Colliery. They submitted that as he was not provided with regular job he went to his native village during his idle period and at that time he fell ill. After recovery he came to his place of duty with the expectation to get job but management without providing him any job handed over a chargesheet bearing No. BCC/STC/87/1048 dt. 4-4-87 after one month from the date of reporting for duty and thereafter held a domestic enquiry against him almost *ex parte* and relying on the report of the Enquiry Officer dismissed him from service vide letter No. BCC/STC/88/140 dt. 12-1-88. Accordingly they submitted representation to the management for reinstatement of the concerned workman recalling the order of dismissal but to no effect and for which they raised an industrial dispute before the ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly, they submitted prayer to pass award directing management to reinstate the concerned workman in his service recalling the order of dismissal with other consequential relief.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was a casual worker of South Tisra Colliery since 1982. They submitted that in the year 1982, 1983 and 1984 he put his attendance for 145 days, 125 days and 69 days respectively and thereafter left the colliery without giving any intimation. Accordingly, on 4-4-87 for committing misconduct on the ground of absenteeism a chargesheet was issued to him and on receipt of the chargesheet he gave his reply. They submitted that as the reply given by him was not satisfactory the disciplinary authority appointed Enquiry Officer to hold domestic enquiry against him. In course of domestic enquiry not only the concerned workman participated but also full opportunity was given to him to defend his case. During hearing of the enquiry proceeding concerned workman failed to produce any medical paper to show that he was actually lying ill. Accordingly the Enquiry Officer after completing enquiry submitted his report holding the concerned workman guilty to the charges. They submitted that the disciplinary authority after considering all aspects and also considering the report of the Enquiry Officer dismissed the concerned workman from his service with effect from 18-1-88. They submitted that by dismissing the concerned workman from his service neither committed any illegality nor took any arbitrary decision violating the principle of natural justice. In the circumstances they submitted prayer to pass award rejecting the claim of the concerned workman/sponsoring union.

4. Points to be decided

“Whether the action of the management of South Tisra Colliery of M/s BCCL in dismissing the workman Shri Govind Bourri is justified? If not, to what relief is the said workman entitled?”

5. Findings with reasons

It transpires from the record that before taking up final hearing of this case on merit it was taken into consideration if domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. The issue on preliminary point was disposed of vide Order No. 27 dt. 29-1-04 and it was decided that domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. Accordingly, at this stage there is no scope further to rediscuss that point again. Here the point for consideration is whether the management have been able to substantiate the charge brought against the concerned workman and if so whether the concerned workman is entitled to get any relief according to Sec. 11A of the I.D. Act.

Considering the facts and circumstances of the case there is no dispute to hold that the concerned workman was a casual worker at South Tisra Colliery. It is the specific allegation of the management that in the month of Sept., 1984 he left the colliery without giving any intimation to them and thereafter he did not turn up and for which a chargesheet was issued to him dt. 4-4-87 with the allegation of committing misconduct on the ground of absenteeism. The chargesheet during evidence of MW-1 was marked as Ext. M-2. Concerned workman after filing W.S. admitted the fact of his remaining absent from duty since 1989 but he disclosed that as he fell ill he could not attend his duty. He submitted that after recovery from his ailment when he came to his place of work with a view to resume his duty he was not allowed to work there. On the contrary management issued chargesheet to him. It is seen that in response to that chargesheet he gave his reply marked as Ext. M-3. Management submitted that as reply given by the concerned workman was not satisfactory they decided to hold domestic enquiry against him. MW-1 during his evidence disclosed that the concerned workman participated the enquiry proceedings during hearing and full opportunity was given to him to defend his case. Considering the enquiry report (Ext. M-6) as well as chargesheet it transpires that the concerned workman remained himself absent from duty without giving any intimation to the management from September, 1984 to 30-3-87 continuously. On 31-3-87 he came to his place of work to join his duty while chargesheet was issued to him. During enquiry proceeding management examined three witnesses including senior compounder of the hospital. Mr. Sailendra Kumar, Senior Compounder during his

examination categorically disclosed consulting colliery dispensary record that the concerned workman was not sick w.e.f. Sept. 84 and he was not referred anywhere for his treatment. Concerned workman on the contrary gave his statement to the Enquiry Officer to the effect that as he was very much mentally set back on hearing the death news of his mother he went to his native village at Adra and after performing rituals etc. of his mother he fell ill owing to tuberculosis and remained under Jori-buti treatment for two years and for which he could not attend to his place of duty for work. Considering his statement it is clear that on receipt of the death news of his mother he became mentally upset left the place of his duty. It is unbecoming that a son will not be upset mentally on receiving death news of his mother. It is also not unbecoming if a son rushed to his native village to participate in the funeral function of his mother and also to perform the last rites of his mother. But no cogent explanation is forthcoming why he did not consider necessary to inform this fact to the management for getting sanction of his leave. He disclosed that thereafter he fell ill owing to tuberculosis and received treatment of jori-buti but did not disclose from which date and month he fell ill.

He also has failed to assign any reason at all what circumstances prevented him to inform the management about his ailment. He had ample scope to get medical treatment free of cost from the management for his ailment but he did not consider necessary to take any such medical aid. Moreover, he in spite of giving ample opportunity did not consider necessary to establish that actually he received Jori-buti treatment for his ailment. It is seen that the concerned workman remained himself absent from duty for more than 2½ years unauthorisedly and without giving any intimation to the management. Accordingly, onus absolutely rests on the concerned workman to establish that as situation was beyond his control he did not get any opportunity to intimate the management about reasons of his absence. The plea taken by the concerned workman is far from satisfactory for its acceptance. As per certified Standing order management is very much entitled to issue chargesheet if a workman remains absent for more than 10 days without prior sanction or without giving any intimation. Here in the instant case the concerned workman remained himself absent unauthorisedly continuously for more than 2½ years without giving any short of information to the management. Accordingly, there is no scope to draw any adverse view that management committed any illegality or took any arbitrary decision in issuing chargesheet to the concerned workman. Onus was on the concerned workman to justify that his enjoyment of unauthorised leave for such long period was not illegal but he has lamentably failed to justify his claim. On the contrary considering all materials on record it is clear that management have been able to substantiate the charge brought against the concerned workman.

Now the point for consideration is whether the concerned workman is entitled to get any relief U/s. 11A of the I.D. Act. Sec. 11-A speaks as follows :

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication, and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

Therefore, according to this Section it is to be looked into if the order of dismissal issued against the concerned workman was justified or not. It is seen that the concerned workman remained absent from duty unauthorisedly for more than 2½ years and he did not consider necessary to give any intimation to the management to that effect. Ground assigned by him in support of his remaining absent from duty was far from satisfactory and for which management issued letter of dismissal to him. Such conduct of the concerned workman definitely should be considered as most indiscipline act. A workman cannot avoid his responsibility to maintain discipline in the Industry not only for the sake of administration but also for the growth of the industry. If such gross indiscipline act is viewed leniently in that case it will create an example which definitely will indulge the other workmen to follow his course and if it is so done it will not only create a serious impact in maintaining discipline in the Industry but also its growth will be affected seriously.

Accordingly, after careful consideration of all the facts and circumstances I find no scope to say that management committed any unjustified act illegally or arbitrarily violating the principle of natural justice in dismissing the concerned workman from service. I, therefore, hold that the concerned workman is not entitled to get any relief in view of his prayer.

In the result, the following award is rendered :

“The action of the management of South Tisra Colliery of M/s. BCCL in dismissing the workman Shri Govind Bouri is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. आ. 1301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कामकाजों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—II, धनबाद के पंचाट (संदर्भ संख्या 37/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/451/96-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/98) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/451/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A) of Industrial Disputes Act, 1947

Reference No. 37 of 1998

PARTIES :

Employers in relation to the management of Kustore Area of M/s. BCCL.

AND

Their Workmen

PRESENT :

Shri B. Biswas, Presiding Officer

APPEARANCES :

For the Employers : Shri H. Nath, Advocate

For the Workman : Shri D. Mukherjee, Advocate.

State : Jharkhand Industry : Coal

Dated, the 22nd April, 2004

AWARD

By Order No. L-20012/451/96-IR (Coal-I) dated 19th/27th February, 1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Kustore Area of M/s. BCCL in not altering the date of birth of Shri Ram Parikha Singh in accordance with his L.P.C. or not refer the case of age

determination to the Apex Medical Board under I. I. No. 76 is justified? If not, to what relief the said workman is entitled to?”

2. The case of the concerned workman according to the written statement submitted by the sponsoring union on his behalf, in brief, is as follows :

The sponsoring union submitted that the concerned workman was originally appointed as permanent workman on 17-10-1971 at Kustore Colliery and at the time of entry in the service his age was recorded as 30 years as on 17-10-1971. They disclosed that on the basis of recording of age in the Form ‘B’ Register of the management Identity Card was issued to him wherein also his date of birth was recorded as 30 years as on 17-10-71. Thereafter from Kustore Colliery the concerned workman was transferred to Ena Colliery and in the L.P.C. his date of birth was also recorded as 30 years as on 17-10-71. In the year 1979 the said workman again was transferred back to the Kustore colliery and at that time in the L.P.C. the same date of birth was recorded. They disclosed that without assigning any reason the management recorded the age of the concerned workman as 35 years as on 17-10-71 in the Service Excerpt issued to the concerned workman. On receipt of the said service excerpt the concerned workman submitted representation to the management for illegal recording of his age in the service excerpt but to no effect and for which through the sponsoring union he raised industrial dispute before the A.L.C. (C), Dhanbad for conciliation which ultimately resulted in reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass award directing the management to accept his age as 30 years as on 17-10-71 or alternatively his age be determined by Apex Medical Board and to reinstate him in service with all arrear of wages and consequential benefits.

3. The management, on the contrary, after filing written statement have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman. They submitted that the concerned workman was initially appointed on 17-10-71 at Kustore colliery and at that time he declared his age as 35 years at the time of recording his bio-data in the Form ‘B’ Register maintained under Sec. 48 of the Mines Act, 1952, as prescribed under the Mines Rules, 1955. In the year 1987 the management issued service excerpt to the concerned workman wherein his date of birth was recorded as 35 years as on 17-10-71. The concerned workman was advised to fill up the blank columns in the service excerpt and to indicate any inaccuracy in the particulars mentioned in the service records of the company so that necessary steps can be taken for correction of the same if there was any error. They disclosed that the concerned workman without raising any objection relating to entry in the service excerpt

including his age recorded therein returned back the same duly signed by him. They submitted that as per provision of Certified Standing Order of the company the date of birth/age recorded in the service record becomes conclusive for deciding the time of superannuation but where the age has been recorded instead of date of birth, the date of birth is required to be taken as 1.7 of that particular year. Accordingly, the concerned workman superannuated on attaining 60 years of age as per records of the company/management. They alleged that after superannuation the concerned workman has raised the present dispute for correction of his date of birth/age and accordingly it is not maintainable in the eye of law. They alleged that the demand of the concerned workman for correction of his age on the basis of some fabricated documents purported to be L.P.C. is without any merit and the same was not acceded to by the management. As there was no inconsistencies in the age/date of birth recorded in different records of the company the question of getting the age assessed by the Apex Medical Board did not and cannot arise. The procedure contained in I.I. 76 of JBCCI are applicable only when the management takes up the case for review of correction of age of a workman on some genuine ground, otherwise the circular has no application in all cases merely on the ground that a workman disputes the recorded age of the company's record as incorrect at the end of his retirement or after his retirement. Accordingly, they submitted that the concerned workman is not entitled to get any relief and for which his prayer is liable to be rejected.

Points to be decided :

4. "Whether the action of the management of Kustore Area of M/s. BCCL in not altering the date of birth of Shri Ram Parikha Singh in accordance with his L.P.C. or not refer the case of age determination to the Apex Medical Board under I.I. No. 76 is justified? If not, to what relief the said workman is entitled to?"

Finding with reasons :

5. It transpires from the record that the sponsoring union in order to substantiate their claim examined the concerned workman as WW-1. The management also with a view to substantiate their claim examined one witness as MW-1. It is the specific contention of the concerned workman that he got his appointment at Kustore colliery on 17-10-71. At the time of entry in service he submitted that his age was recorded as 30 years as on 17-10-71 by the management in Form 'B' Register. He disclosed that thereafter the management issued Identity Card to him and in the said Identity Card his age also was recorded as 30 years as on 17-10-71. He submitted that thereafter in the month of December, 1976, he was transferred to Ena Colliery from Kustore Colliery and in the L.P.C. issued by the management his age was recorded as 30 years as on 17-10-71. In the year 1979 he was transferred back to Kustore colliery from Ena colliery and at that time the

management issued L.P.C. wherein his date of birth was recorded as 30 years as on 17-10-71. He disclosed that in the year 1987 the management issued service excerpt to him wherein his date of birth was recorded as 35 years as on 17-10-71. He disclosed that though without raising any objection he returned back the service excerpt to the management duly signed by him. Subsequently he raised dispute and submitted representation to the management to rectify his age recorded in the service excerpt. But as the management did not rectify his age he raised industrial dispute before the A.L.C. (C), Dhanbad. During cross-examination this witness categorically denied that his age was recorded as 35 years as on 17-10-71 by the management in Form 'B' Register. Considering his evidence it is clear that he relied on Form 'B' Register wherein his date of birth was recorded as 30 years at the time of his entry in service. Therefore, according to him the date of birth recorded in Form 'B' Register at the time of entry in service is to be considered as index to count his age. It is fact that the concerned workman during his evidence relied on L.P.C. and Identity Card issued by the management. He disclosed that not only in the L.P.C. issued by the management but also in the Identity Card his age was recorded as 30 years as on 17-10-71. The L.P.C. and xerox copy of Identity Card during his evidence were marked Exts. W-1, W-2, W-4/2 and W-4/3. It is the specific contention of the management that the copy of L.P.C. and Identity Card which the concerned workman relied on are fabricated and cannot be accepted in any circumstances. At the time of hearing the concerned workman submitted xerox copy of the Identity Card without producing its original. No satisfactory explanation is forthcoming on the part of the sponsoring union why they have failed to produce the original Identity Card at the time of hearing particularly when the same are lying with the workman concerned. This witness i.e. the concerned workman during his evidence submitted that he read upto Class-VIII. In spite of claiming so he has failed to produce school leaving certificate to prove his date of birth.

6. It is admitted fact that the concerned workman was served with service excerpt in the year 1987. The service excerpt during evidence of the concerned workman was marked Ext. M-4/4, wherein his age was recorded as 35 years as on 17-10-71. The concerned workman returned back the said service excerpt duly signed by him and filled up required columns without raising any dispute relating to the age recorded therein. It is not the fact that the concerned workman was illiterate person and for which out of ignorance he returned back the service excerpt just putting his L.T.I. The concerned workman read upto Class-VIII. Naturally it is expected that he was fully aware about the contents recorded in the service excerpt. This fact he admitted in his written statement disclosing that he without raising dispute returned back the service excerpt duly signed by him though subsequently he raised dispute and submitted representation to the management for

rectification of his age. The concerned workman during his cross-examination admitted that in the year 1995 he for the first time submitted petition before the management for rectification of his age. The concerned workman superannuated from his service in the year 1996, on attaining the age of 60 years. Therefore, it is seen that only one year before his superannuation he submitted representation for rectification of his age. The service excerpt was given to the concerned workman in the year 1987 and he submitted representation for rectification of his age in the year 1995 just at the fag end of his superannuation. No satisfactory explanation is forthcoming on his part why he made such long delay in raising his dispute relating to his age. It is the specific contention of the concerned workman that at the time of his entry in service his age was recorded as 30 years as on 17-10-71 in the Form 'B' Register. From the evidence of MW-1 it transpires that the name of the concerned workman was recorded in Serial No. 1108 in the Form 'B' Register. The Form 'B' Register during his evidence was marked Ext. M-1. The concerned workman also relied on the photo copy of Form 'B' Register which also was marked Ext. W-3. Considering the Form 'B' Register it transpires that the age of the concerned workman was recorded as 35 years as 17-10-71. It is the specific claim of the management that before 8-6-1995 the concerned workman never raised any dispute relating to wrong recording of his age in the Form 'B' Register. It is not the case of the concerned workman that at the time of his entry in the service the management instead of recording his age as 30 years recorded his age as 35 years as on 17-10-71. It is also not the case of the concerned workman that the management with mala fide intention interpolated the figure '30' to '35' as his age in the Form 'B' Register. The Form 'B' Register should be considered as statutory register as per Section 48 of the Mines Act. Therefore, all entries therein are binding upon the parties if any gross mistake is not traced out. It is the contention of the concerned workman that his age recorded in L.P.C. as well as in the Identity Card was recorded as 30 years as on 17-10-1971. Accordingly, he submitted that as per JBCCI Circular No. 76 the management ought to have sent him to the Apex Medical Board for determination of his age. The concerned workman instead of producing original Identity Card relied on its xerox copy and for which I do not find any scope to accept its credibility. MW-1 categorically disclosed that the service particulars issued by Ena Colliery in favour of the concerned workman was wrong and cannot be acted upon. Service particulars recorded in L.P.C. cannot be considered as statutory document to prove the age of the workman. Therefore, relying on wrong recording of age in L.P.C. there is no scope to say that there was material ground for referring the concerned workman to Apex Medical Board for determination of his age. I have carefully considered the Form 'B' Register and it transpires that the concerned workman being satisfied with the entries

recorded in the Form 'B' Register signed the same in respective column meant for the employees. This Form 'B' Register is very old one and it clearly shows that his age was recorded as 35 years on the date of his entry i.e. on 17-10-71. I have failed to find out any sign of interpolation in the figure '35' recorded in the age and sex column of the employee, it is clear and distinct. Therefore, onus absolutely rests on the concerned workman to substantiate that the age recorded in the original Form 'B' Register was either wrong or it was interpolated by the management.

The learned Advocate of the concerned workman submitted in course of hearing argument that the Tribunal should confine within the ambit of the reference and not beyond that and in support of that claim he submitted a decision reported in 1967(1) LLJ page 423. In the said decision Their Lordships of Hon'ble Apex Court observed that the Tribunal cannot widen the scope of the enquiry beyond the terms of reference. I do not find any scope at all to say anything in this regard. It is admitted fact that Form 'B' Register is a statutory register under the Mines Act. The L.P.C. issued by the management cannot be considered as statutory document. In spite of the fact the onus absolutely rests on the concerned workman to establish that the age recorded in the L.P.C. was correct. I have no hesitation to say that the concerned workman in spite of getting opportunity could not produce any such cogent paper relying on which the authenticity of age recorded in L.P.C. can be relied on. It is the specific claim of the management that the age in the L.P.C. was wrongly recorded and for which it cannot be relied and in support of their claim they relied on Form 'B' Register. The concerned workman too relied on Form 'B' Register. If the age recorded in Form 'B' Register is taken into consideration there is sufficient scope to say that age recorded in L.P.C. was incorrect. The question of sending the concerned workman to Apex Medical Board for determination of age only can be considered as per JBCCI circular if any material mistake of gross amount is detected relating to recording the age of the workman in different registers maintained by the management. No evidence is forthcoming to the effect that the age of the concerned workman was recorded differently at different register and for which there was scope to say which age will be considered as correct one. Here in the instant case the picture is different. Not only the management but also the concerned workman absolutely relied on the age recorded in the Form 'B' Register. It is specific contention of the concerned workman that the age recorded in L.P.C. and Identity Card issued to him were at par with the age recorded in the Form 'B' Register. He disclosed that the age recorded in the service excerpt was wrong and not in conformity with the age recorded in Form 'B' Register. In this regard I have discussed everything in details above and for which there is need for further discussion. It is clear that the age of the concerned workman was recorded

in the Form 'B' Register as 35 years and not 30 years. Therefore, he made a wrong statement in support of his claim. The concerned workman got ample scope to raise dispute in the year 1987 when the service excerpt was handed over to him. On the contrary, it transpires that just at the flag end of his service he raised the dispute without assigning any satisfactory explanation. Therefore, the age dispute at such belated stage cannot be accepted at all, apart from the facts discussed above.

7. Accordingly, after careful consideration of all the facts and circumstances I hold that the concerned workman/sponsoring union has failed to establish that his age was recorded as 30 years as on 17-10-1971 at the time of his entry in service and accordingly he is not entitled to get any relief in view of his prayer.

8. In the result, the following award is rendered—

The action of the management of Kustore Area of M/s. BCCL in not altering the date of birth of Shri Ram Parikha Singh in accordance with his L.P.C. or not refer the case of age determination to the Apex Medical Board under I.I. No. 76 is justified and hence, the concerned workman is not entitled to any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. आ. 1302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 274/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/324/2001-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 274/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/324/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD.
PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

Reference No. 274 of 2001

PARTIES:

Employers in relation to the management of
Chief General Manager of M/s. BCCL, Katras Area
No. IV and their workman.

APPEARANCES:

On behalf of the : Mr. P. R. Shukla, Authorised
Workman Representative.

On behalf of the : Mr. U. N. Lall, Advocate.
Employers

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 21st April, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this tribunal for adjudication vide their Order No. L-20012/324/2001-IR(C-I), dated, the 24th September, 2001.

SCHEDULE

"Whether the action of the management of Ram Kanali Colliery of M/s. BCCL in dismissing Sri Mundrika Bhunia from the services of the company w.e.f. 22-1-1999 is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the concerned workman according to Written statement submitted by the sponsoring Union on his behalf in brief is as follows:—

The sponsoring Union submitted that the concerned workman was a permanent General Mazdoor at Ram Kanali Colliery. They submitted that the management of the said colliery issued Chargesheet No. RKC/PD/97/132/ dt. 22-12-1997 to the concerned workman with the allegation of committing misconduct under clause 26 : 1 : 1 of the certified standing order on the ground of his remaining unauthorised absence without any intimation to them. The concerned workman after receipt of the said chargesheet submitted his reply stating the ground of his absence but the management without accepting his reply started domestic enquiry against him through enquiry officer appointed by them. They alleged that during hearing of enquiry proceeding Enquiry Officer did not give the concerned workman any opportunity to defend his case with the assistance of co-worker. They alleged that the Enquiry Officer arbitrarily conducted the enquiry proceeding and after completion of its hearing submitted his report to the disciplinary authority holding him guilty to the charges. And on the basis of that report the disciplinary authority dismissed him from his service vide order No. RKC/CME/Dismissal/99/2553 dt. 22-1-1999 illegally and violating the principle of natural justice. They alleged that though by letter No. RKC/chargesheet/enquiry, dis./98/2292 dt. 19-12-1998 informed him the proposed action of the management to consider his dismissal they did not consider necessary to hand over a copy of the enquiry report to him. They disclosed that in spite he submitted his reply on 28-12-1998 with a prayer to

consider his application as mercy appeal in the light of the decision of the Central Consultative Committee but that too was not taken into any consideration by them.

They alleged that action of the management was not fair, proper and in accordance with the principle of natural justice and for which they raised an industrial dispute before the ALC(C) for conciliation which ultimately resulted in reference to this Tribunal for adjudication. The sponsoring Union accordingly submitted prayer to pass award directing the management to reinstate the concerned workman to his service with full back wages and other consequential relief setting aside his order of dismissal.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement submitted on behalf of the concerned workman.

They alleged that the concerned workman was a habitual absentee from his duty without taking any prior permission or giving any information to the management and for his such action previously he was chargesheeted on one occasion and atleast on four occasions warning letters were issued to him. They submitted that during the years 1995, 1996 and 1997 he attended to his duty for 197 days, 57 days and 93 days respectively. In spite of such conduct the concerned workman again started himself absents from duty unauthorisedly w.e.f. 18-11-1997 and for which a chargesheet vide No. RKC/D/97/132 dt. 22-12-1997 under clause 26.1.1 of the certified standing order was issued to him. He submitted his reply to the chargesheet but as his reply was not satisfactory disciplinary authority appointed enquiry officer to hold domestic enquiry against him. They disclosed that during enquiry charge brought against the concerned workman was established and for which a second show cause notice was sent to him vide letter No. RKK/charge/Enquiry/Proceeding/98/2299 dt. 19-12-1998 and thereafter, Disciplinary Authority dismissed the concerned workman from his service vide letter No. RKC/CME/Dismissal/99/2553 dt. 21/22-1-1999. They submitted that the concerned workman did not put in at least 125 days attendance in the past three years prior to his dismissal from service. They disclosed that for the years 1996 and 1997 attendance of the concerned workman was very bleak and for which there was no scope to review his case for reinstatement as per decision of Central Consultative Committee. They submitted that in dismissing the concerned workman from his service the Disciplinary Authority neither committed any illegality nor took any arbitrary decision violating the principle of natural justice. Accordingly, they submitted prayer to pass award rejecting the claim of the concerned workman/sponsoring Union.

4. Points to be decided

“Whether the action of the management of Ram Kanali Colliery of M/s. BCCL in dismissing Sri Mundrika

Bhuia from the services of the company w.e.f. 22-1-1999 is justified? If not, to what relief is the concerned workman entitled?”

5. Finding with Reasons

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration as preliminary issue whether domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. It is seen that the said issue was disposed of vide order No. 6 dt. 30-7-2003 (later) and observed by this Tribunal that domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice.

Accordingly, here the point for consideration is whether the management have been able to substantiate the charge brought against the concerned workman and if so whether the concerned workman is entitled to get any relief U/s. 11A of the Industrial Disputes Act, 1947.

It is the specific allegation of the management that the concerned workman was in the habit of remaining himself absent from duty unauthorisedly and also without giving any intimation to the management. They disclosed that for his remaining absent from duty unauthorisedly during the period from 11-11-1996 to 25-2-1997 a chargesheet was issued to him. Thereafter in the year 1997 prior to his remaining absent from duty unauthorisedly with effect from 18-11-1997 four warning letters were issued to him for enjoying his unauthorised leave in between the period from 8-4-1997 to 7-6-1997. It is the specific allegation of the management that during the years 1995, 1996 and 1997 he attended to his duties for 197 days, 57 days and 93 days respectively. They alleged that in spite of issuance of previous chargesheet and warning letters on four consecutive occasions the concerned workman did not consider necessary to mend his attitude. On the contrary again he started remaining himself absent from duty with effect from 18-11-1997 without giving any intimation or taking prior permission and for which chargesheet bearing No. RKC/PD/97/132 dt. 22-12-1997 was issued to him. The concerned workman admitting the receipt of the chargesheet disclosed that he submitted his reply but the management without accepting that reply started domestic enquiry against him. Reply given by the concerned workman during hearing was marked as Ext. M-1/4. In the reply instead of assigning reason of his absence submitted that as per decision of the Central Consultative Committee in the year 1998 a workman with 125 days attendance in a year during the preceding three years is to be reinstated in service in case he has already been dismissed. It transpires from the record that the concerned workman fully participated in the enquiry proceeding with a view to defend his case. Considering the enquiry proceeding papers I have failed to find out any credible evidence to show that the concerned workman either raised objection against the enquiry officer to hold domestic enquiry or he

submitted any prayer before the enquiry officer with a prayer for allowing him to defend his case through co-workers. During hearing the enquiry proceedings it has been exposed clearly what was the conduct of the concerned workman in the matter of enjoying unauthorised leave without intimation to the management. The concerned workman in course of hearing neither challenged the allegation brought against him nor made any whisper about issuance of chargesheet and warning letters to him consecutively prior to issuance of chargesheet dt. 22-12-1997. No incriminating material is forthcoming to establish that the charge brought against him was false. I have carefully considered all the materials on record and I find sufficient reason to hold that the management has well established the charge brought against him and for which there is no reason to consider that the proceedings pending against him is liable to be rejected.

It is seen that in view of enquiry report Ext. M-1 submitted by the Enquiry Officer the Disciplinary Authority took up the matter for consideration. The disciplinary authority after considering the enquiry report and also considering all other aspects decided to dismiss the concerned workman from service and accordingly order of dismissal was issued to him vide letter dt. 21/22-1-1999 Ext. M-1/7.

It is the contention of the concerned workman that as per decision of the Central Consultative Committee in the year 1998 management is liable to recall his order of dismissal as he attended to his work for more than 125 days in a year. During the preceding three years before his order of dismissal. The order of dismissal was issued by order dt. 21/22-1-1999. There is no allegation that he was suspended from his duty by the management while enquiry proceeding was going on. Therefore, there is sufficient reason to presume that he was in service during 1998. The concerned workman did not consider necessary to show that during 1998 he worked for more than 125 days. In the year 1996 and 1997 he put his attendance only for 57 days and 93 days apart from his deplorable attendance previously. It has been exposed clearly that although the concerned workman grew up the habit of remaining himself absent from duty unauthorisedly. He wanted to get his relief referring the decision of Central Consultative Committee but did not consider necessary to show any reason for remaining himself absent from duty unauthorisedly for years together. It cannot be accepted at all that decision of the Central Consultative Committee accords any right to a workman to get his relief without showing cogent ground of his absence. If this decision according to workman is taken into consideration in that case as a matter of right all workmen will get the liberty to enjoy unauthorised leave as of choice and to maintain the discipline in the industry and its production the management shall be debarred from taking any step. Section 11A of the I.D. Act speaks clearly that "Where an industrial dispute relating to the discharge or dismissal of a workman

has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

Therefore, before giving any relief under this provision it is to be looked into if the order of dismissal issued by the management was unjustified or not. I have carefully considered all materials facts in the record and I find no hesitation to say that before passing the order of dismissal management gave ample opportunity to the concerned workman to mend his habit but he ignored the opportunity given to him in a very reckless manner. Accordingly I hold that management by dismissing the concerned workman did not commit any act which may be called as 'unjustified', and for which he is not entitled to get any relief U/s. 11A of the I.D. Act, 1947. In the result, the following Award is rendered:—

"The action of the management of Ram Kanali Colliery of M/s. BCCL in dismissing Sri Mundrika Bhuia from the services of the company w.e.f. 22-1-1999 is justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. अ. 1303.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध विषयों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 24/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल-20012/8/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/98) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/8/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO.2), DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947

Reference No. 24 of 1998

PARTIES :

Employers in relation to the management of
M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate.

State : Jharkhand Industry : Coal
Dhanbad, dated the 21st April, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of
the powers conferred on them under Section 10(1)(d) of
the I.D. Act., 1947 has referred the following dispute to
this Tribunal for adjudication vide their Order No. L-20012/
8/97-IR (Coal-I), dated the 20th/27th February, 1998.

SCHEDULE

"Whether the action of the management of Nichitpur
Colliery of M/s. BCCL in dismissing the services of
Shri Bichha Bhuia S/o. Shri Gangu Bhuia, Miner/
Loader of Nichitpur Colliery w.e.f. 7-10-1989 is
justified? If not, to what relief the concerned
workman is entitled?"

2. The case of the concerned workman according
to written statement submitted by the sponsoring Union
on his behalf in brief is as follows.

The sponsoring union submitted that the concerned
workman was appointed at Sendra Bansjora Colliery in
the year 1981 as Miner/loader after he made the
management fully satisfied as to his identity. Thereafter
he was transferred to Nichitpur colliery. They alleged that
after rendering long and satisfactory service management
raising the question of fresh identity stopped him from
work with effect from 22-9-1987 followed by a chargesheet
bearing No. N/139/88 Dt. 21-1-1988. They alleged that the
said chargesheet was vague, unspecific and also it did
not reveal the nature of misconduct alleged to have been
committed by the concerned workman.

They submitted that over suspension of the
concerned workman in view of chargesheet issued to him
they raised an industrial dispute before the ALC(C)
Dhanbad and management thereafter held domestic
enquiry against him ex parte and thereafter dismissed him
from service by letter dt. 7-10-1989 illegally, arbitrarily and
violating the principle of natural justice. Accordingly, they
submitted prayer to pass award directing the management

to reinstate the concerned workman to his service with
full back wages and other consequential relief.

3. Management on the contrary after filing written
statement-cum-rejoinder have denied all the claims and
allegations which the sponsoring Union asserted in the
written statement submitted on behalf of the concerned
workman.

They submitted that the concerned workman entered
into employment of the management fraudulently
impersonating himself as Bircha Bhuiyan. They disclosed
that in the year 1981 concerned workman got his
appointment at Sendra Bansjora colliery as Miner/loader
and subsequently he was transferred to Nichitpur colliery.
They disclosed that they received a complaint to the effect
that the concerned workman who was working at Nichitpur
colliery taking the name of Bircha Bhuiyan was not the
real Bircha Bhuiyan. They disclosed that on receipt of the
said complaint they issued two letter to the concerned
workman viz. letter No. N/1240/87 dt. 17-7-1987 and letter
No. 1527/87 dt. 5-9-1987 asking him to submit his
identification duly certified by B.D.O./Mukhiya to establish
that he was genuine Bircha Bhuiyan.

They disclosed that full opportunity was given to
the concerned workman to submit relevant paper in
support of his identification that he was actual Bircha
Bhuiyan but in spite of giving sufficient opportunity as
he failed to submit any genuine paper to establish his
identity a chargesheet was issued to him vide letter No. N/
139/98 dt. 21-1-88 for committing misconduct on the ground
of giving false information regarding his name, age, father's
name and qualification etc. As the concerned workman
failed to give any satisfactory reply to the chargesheet
Disciplinary authority decided to hold domestic enquiry
against him and for which appointed enquiry officer. They
disclosed that the enquiry officer after holding domestic
enquiry submitted his report holding the concerned
workman guilty to the charges and accordingly he was
dismissed from his service. They submitted that in
dismissing the concerned workman from his service neither
they committed any illegality nor they took any arbitrary
decision violating the principle of natural justice.
Accordingly, management submitted their prayer to pass
award rejecting the claim of the concerned workman.

4. Points to be Decided

"Whether the action of the management of Nichitpur
Colliery of M/s. BCCL in dismissing the services of
Shri Bichha Bhuia S/o Shri Gangu Bhuia,
Miner/Loader of Nichitpur colliery w.e.f. 7-10-89 is
justified? If not, to what relief is the said workman
entitled?"

5. Finding with Reasons

It transpires from the record that before taking up
hearing of this case on merit it was taken into consideration
if domestic enquiry held against the concerned workman
by the Enquiry officer was fair, proper and in accordance

with the principle of natural justice. It is seen that by order No.23 dt. 11-2-2004 the said issue on preliminary point was disposed of with the finding that domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. In the circumstances, at this stage there is no scope at all to reopen the said issue again. Here the point for consideration is if the charge brought against the concerned workman for committing misconduct on the allegation of false impersonification by the management has been fully substantiated or not and if proved whether the concerned workman is entitled to get any relief U/s 11A of the I.D. Act.

It is admitted fact that the concerned workman got his employment as minor/loader at Sendra Bansjora colliery under the management in the year 1981. It transpires that subsequently he was transferred to Nuchitpur colliery. It is the contention of the management that while the concerned workman was posted at Nichitpur colliery they received a complaint to the effect that the concerned workman who got his employment in the name of Bircha Bhuiyan was not the actual person in the said name. Accordingly, they issued two consecutive letters to him viz. letter No. N/1240/87 dt. 17-7-87 and letter No. 1527/87 dt. 5-9-87 asking him to submit relevant papers relating to his genuine identification duly certified by the B.D.O. or Mukhia. They alleged that in spite of receiving the said two letters the concerned workman did not consider necessary to submit any relevant papers duly certified by the B.D.O. or Mukhiya in support of his identification. Accordingly they issued a chargesheet to him bearing No. N/139/98 dt. 21-1-88. It has been disclosed by them that as the concerned workman did not submit any reply, Disciplinary authority decided to hold domestic enquiry against the concerned workman and accordingly appointed Surendra Kumar, Deputy personnel manager, Nichitpur Colliery as Enquiry Officer who was examined as MW-1 by the management, as MW-1 during hearing before this Tribunal.

MW-1 during his evidence disclosed that on taking charge of the enquiry proceeding he issued notices to the concerned workman by registered post but as the said notices were returned back with the comments of the postal Peon 'Not found' he started hearing of the enquiry proceeding ex parte. He disclosed that in the midst of hearing on one occasion the concerned workman appeared but thereafter he stopped his appearance and for which again he issued notice to him but he did not turn up and for which he took up hearing of the enquiry proceeding ex parte and submitted his report holding him guilty to the charges. The copy of the chargesheet during evidence of MW-1 was marked as Ext. M-2. The charge brought against the concerned workman speaks as follows :

"Bharat Coking Coal Limited
(A Subsidiary of CIL)

Nichitpur Colliery
P.O. Bansjora,
Dhanbad.

Ref. No. N/139/88 dt. 21-1-88

Sl. No.	Name	Father's Name	Address
2	Sri Brihha Ganga Bhuia Bhuia		VII : Rampur Barana, P.O. Lalganj, P. S. Deogarh, Dist. : Azamgarh

CHARGESHEET

It has come to our knowledge that you had got employment at Sendra Bansjora colliery in 1981 impersonating some other person, and after working in Sendra Bansjora Colliery for more than three years you got transferred to this Colliery.

You were directed to submit fresh identification/verification by B.D.O. or by competent authority. But even after expiry of four months you have not submitted the documents in proof of your genuineness.

Above shows that you have committed misconduct under clause 17(1)(0)(Q) of Model Standing Order applicable to coal Mining industry which read as under :

17(1)(O)—giving false information regarding one's name, age, father's name, qualification or previous Service at the time of employment.

17(1)(Q)—Any breach of the Mines Act, 1952 or any other Act or any rules, regulations or byelaws thereunder or of any standing orders.

You are therefore directed to submit show cause within 48 hours of the receipt of this Chargesheet why disciplinary action should not be taken against you.

Sd/- Illegible
Manager.

Copy to : (1) Dy. C.M.E. Nichitpur colliery.

(2) Dy. C.P.M. Sijua Area.

(3) Dy. P.M. Nichitpur colliery."

Considering the charge it transpires that management has brought allegation of false impersonification against the concerned workman in getting his service of miner/loader at Sendra Bansjora colliery.

MW-1 during his evidence disclosed that the concerned workman evaded his appearance in course of hearing of the enquiry proceeding though he submitted petition with a prayer for staying further hearing as criminal case was pending against him, marked Ext. M-6/12. It transpires that enquiry officer gave reply to his petition which during his evidence was marked as Ext. M-6/14. By the said letter Enquiry officer asked him to bring necessary stay order from the Court. No cogent paper is forthcoming before this Tribunal to show that the concerned workman approached to Court for stay operation of the enquiry proceeding during pendency of the criminal case. Accordingly the enquiry officer proceeded with the hearing of the enquiry proceeding. However, considering this situation there is sufficient scope to draw conclusion that

the concerned workman wilfully evaded his appearance before the Enquiry Officer in course of hearing. It is seen from the enquiry proceeding paper that before issuance of chargesheet management issued two letters to the concerned workman Ext. M-6/15 and M-6/16 asking him to produce certified photograph with identification as a proof of his genuinity duly certified by B.D.O. within seven days. It is seen that the concerned workman did not consider necessary to comply the direction of the management in the matter of production of his photograph with identification duly certified by B.D.O. as a proof of his genuinity. No satisfactory explanation on his part came before the Tribunal in course of hearing in this regard. It is seen that not only the concerned workman wilfully evaded his appearance before the Enquiry Officer but also evaded his appearance before this Tribunal in course of hearing though on his behalf sponsoring Union submitted his reply.

The report of the Enquiry Officer during his evidence was marked as Ext. M-7. Considering the report it transpires that the Enquiry Officer in arriving to his conclusion that the concerned workman committed misconduct by way of false impersonification relied on the police report and submitted that during checking of the photo of the concerned workman it was detected that the said photograph belonged to Sri Ramfal Chouhan S/o Ganga Chouhan, resident of Rampur Barlane, P. S. Mepnager, Distt. Azamgarh and not of the concerned workman. The allegation brought against the concerned workman was no doubt serious. Police report exposed that the concerned workman used the photograph of different person for getting his employment knowing fully well about ingenuity of his claim.

In the written statement the sponsoring union alleged that the charge brought against the concerned workman was vague and unspecific but inspite of claiming so they did not consider necessary to assign reason to that effect. There was ample scope on the part of the concerned workman to disprove the claim of the management by adducing cogent paper but he did not only consider necessary to do so but also evaded his appearance. No satisfactory explanation is also forthcoming to show the ground of his non-appearance before this Tribunal in course of hearing. He had the scope to submit papers to counter the allegations of the management but with utter surprise I noticed that he did not consider necessary to do so.

I have carefully considered all material papers on record and I find no hesitation to show that simultaneous responsibility also was with the sponsoring Union to submit genuine papers for identification of the concerned workman with a view to disprove the charge as reference in dispute is of quasi Civil in nature. As the concerned workman fully non-cooperated with the Enquiry Officer, the Enquiry Officer had to rely on police report and other circumstances evidence to arrive into the finding that he

has committed misconduct as per clause 17(1)(6) of the Model Standing Order applicable to him.

Considering all aspects carefully, I therefore, hold that management have been able to substantiate the charge brought against the concerned workman. Accordingly, there is no scope to say that management have illegally and arbitrarily dismissed the concerned workman from his service violating the principle of natural justice.

Now the point for consideration is whether the concerned workman is entitled to get any relief U/s. 11A of the I. D. Act, 1947. Section 11-A speaks as follows :—

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

For application of Section 11-A it is to be looked into whether punishment inflicted on the concerned workman was justified or not. Here in the instant case serious allegation of misconduct was brought against the concerned workman. It is seen that before starting domestic enquiry full opportunity was given to him by the management for submission of papers duly attested by B.D.O. to establish his genuinity. Inspite of getting sufficient scope he did not consider necessary to comply the said directions. On the contrary considering record there is sufficient reason to believe that he evaded wilfully to co-operate the management in this regard. During enquiry the Enquiry Officer relied on the police report which went absolutely against him and for which he had to submit adverse report against him relying on which Disciplinary Authority dismissed him from service.

In view of the facts and circumstances discussed above and also considering gravity of the allegation which has been established I find no scope to invoke the provision of Sec. 11-A of the I. D. Act with a view to consider the order of dismissal passed against him.

In the result, the following award is rendered :—

“The action of the management of Nichitpur Colliery of M/s. BCCL in dismissing the services of Shri Brichha Bhuia S/o Shri Gangu Bhuia, Miner/Loader of Nichitpur Colliery w.e.f. 7-10-89 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

Dhanbad, dated the April, 2004

का. अ. 1304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 106/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/55/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 106/98) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/55/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Sec. 10(1)(d)
of Industrial Disputes Act, 1947.

Reference No. 106 of 1998

PARTIES:

Employers in relation to the management of
M/s. TISCO.

AND

Their Workmen

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate

State : Jharkhand

Industry : Coal

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/55/97-IR-Coal-I dated, the 13th April, 1998.

SCHEDULE

"Whether the action of the management of Sijua Colliery of M/s. TISCO in not promoting Shri Chotelal Paswan, T. No. 57805 as Pump Operator in Cat. III w.e.f. 25-5-90 instead of 21-2-92 and subsequent promotion as Pump Operator in Cat. IV is justified? If not, what relief the concerned workman, Sri Chotelal Paswan is entitled to?"

The case of the concerned workman according to Written statement submitted by the sponsoring Union on his behalf in brief is as follows:—

The sponsoring Union submitted that the concerned workman was employed in the capacity of Pump Operator at Sijua Colliery by the management. He got his employment in 1979 on the basis of his father's length of service as per Company's rules/practice. They submitted that initially though he was engaged as temporary pump operator in the underground mines and was paid Cat. I rate of wages was regularised as Pump Operator Cat. II with effect from 25-5-90 and thereafter he was upgraded as Cat. III Pump Operator with effect from 21-2-92.

They submitted that rate of wages payable to the workman of Sijua colliery is governed by N.C.W.A. The N.C.W.A. provides for time bound promotion/upgradation and under that condition the concerned workman ought to have been placed in Cat. III as Pump Operator instead of Cat. II effective from 25-5-90 and subsequently to Cat. IV. They alleged that at the management ignored to follow the provision of N.C.W.A. in the matter of promotion to workman he became sufferer not only in scale of pay since 25-5-90 but also lost his seniority within the cadre of pump operator.

Accordingly not only the concerned workman submitted representation to the management but they also on his behalf submitted representation to the management for consideration of his claim but the management did not consider necessary to give any importance to the same. In the circumstances they raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted in reference to this Tribunal for adjudication.

They accordingly, submitted prayer to pass award directing the management to treat the concerned workman

as Pump Operator Cat. III w.e.f. 25-5-90 and Cat. IV with effect from 21-2-92 with other consequential reliefs and difference of wages.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in his written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was appointed as Cat. I mazdoor at Sijua colliery on 1-4-83. He got his promotion in Cat. II with effect from 21-5-90 and thereafter he was promoted in Cat. III with effect from 21-2-92. They submitted that the concerned workman was attached to water softening plant on the surface and was given the chance to learn operating the pump during leave and sick vacancy. He was posted as pump operator on the surface during 1988-89. He operated the pump on the surface in place of Sri Tetel Bhuia who became sick during the period from April, 1988 to 20-7-89 and accordingly difference of wages as per the company's procedure for working as pump operator during the said period was paid to him. Subsequently he was promoted in Cat. II Pump Operator w.e.f. 21-5-90 with capacity of below 30 H.P. Thereafter, he was given opportunity for operating pumps of higher capacity during leave and sick vacancies to observe his performance and also to give him opportunity to acquire skill on operating such pumps. As he was found suitable promotion was given to him as Cat. III pump operator with effect from 21-2-92.

They submitted that the claim of the sponsoring union for promotion of the concerned workman to Cat. III with effect from 25-5-90 has no basis at all and for which his claim is liable to be rejected.

4. Points to be Decided

"Whether the action of the management of Sijua colliery of M/s. TISCO in not promoting Shri Chotelal Paswan, T. No. 57805 as Pump Operator in Cat. IV is justified? If not, what relief the concerned workman, Shri Chotelal Paswan is entitled to?"

5. Findings with Reasons

It transpires from the record that the sponsoring Union in order to substantiate their claim examined one witness as WW-1. Management too with a view to substantiate their claim examined one witness as MW-1.

Considering the pleadings of both sides and also considering evidence of the concerned workman as well as of the management I find no dispute to hold that the concerned workman got his appointment as mazdoor in Cat. I on 1-4-83. Considering service sheet of the concerned workman Ext. M-1 it transpires that he was redesignated

as stone dusting and cleaning mazdoor with effect from 5-3-90. According to service sheet it further transpires that the concerned workman was placed as Pump Operator Cat. II with effect from 22-5-90. The concerned workman during his evidence disclosed that as he used to operate pump machine of 60 H.P. he was promoted to Cat. V Pump Operator but in the year 1989 he was demoted to Cat. I and posted in the underground. During hearing the concerned workman has failed to produce a single scrap of paper to show that he used to operate pump machine of 60 H.P. and for which management promoted him to Cat. V as Pump Operator. He also has failed to produce any document to show that he was demoted to Cat. I. He has failed to assign reason of his demotion in service. Evidence of the concerned workman appears to be contradictory. I have failed to understand while in the year 1992 he got his promotion in Cat. II as Pump Operator how he got his promotion in Cat. V as Pump Operator in the year 1989.

It is clear considering his service record that in the month of March, 1990 his designation was dusting and cleaning mazdoor and not as Pump Operator. It is the contention of the management that they have opportunity to learn operating pump machine during the year 1988-89 on the surface during leave and sick vacancy. From April, 88 to 20-7-89 as Pump Operator Tetel Bhuia was sick the concerned workman was allowed to operate pump in his place and for that service they paid difference of wages to him and thereafter being satisfied with his work they gave promotion to him as Cat. II pump operator with effect from 21-5-90 to operate pump with capacity below 30 H.P. Thereafter, with effect from 21-2-92 he was given promotion in Cat. III pump operator.

MW-1 during his evidence disclosed that pump operator who operates pumps with capacity of below 30 H.P. falls within Cat. II. It is the contention of the concerned workman that management ought to have been placed him in Cat. III Pump Operator with effect from 25-5-90 but did not disclose the reason of his entitlement in the said category. He also has failed to explain actually when he got his promotion as Cat. II Pump Operator because of the fact that without enjoying Cat. II there is no scope to enjoy Cat. III wages of Pump Operator. Management during evidence relied on certain correspondence between them and the concerned workman Ext. M-2 to M-6. Considering all these letters I have failed to find out any material to consider that officially he was promoted to the post of Pump Operator. It transpires from these correspondence that on certain occasion he was to work as Pump Operator on leave and sick vacancy and for rendering such service he was paid difference of wages. Such part time work as Pump Operator during leave and sick vacancy *ipso facto* did not create any entitlement to claim upgradation of his category as Pump Operator. MW-1 during his evidence categorically disclosed that promotion from Cat. II to Cat. III as is not

based on time scale. The concerned workman cannot claim his promotion after completing his job for a particular period. However, in view of the claim placed by the concerned workman he cannot avoid responsibility to substantiate the same. I find no hesitation to say that excepting placing his claim the concerned workman has failed to produce a single scrap of paper. Accordingly just relying on such claim it is impracticable to draw any conclusion that management illegally and arbitrarily withheld his promotion. I, therefore, hold no merit in the submission of the concerned workman and for which he is not entitled to get any relief.

In the result, the following Award is rendered :—

"The action of the management of ~~Sigma~~ Colliery of M/s. TISCO, in not promoting Shri Chotelal Paswan, T. No. 57805 as Pump Operator in Cat. III w.e.f. 25-5-90 instead of 21-2-92 and subsequent promotion as Pump Operator in Cat. IV is justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

क्रा. सं. 1305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबंध निर्योजकी और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के चेचाट (संदर्भ संख्या 140/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/373/96-आई. आरि. (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 11th May, 2004

S.O. 1305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 140/97) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/373/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 140 of 1997

PARTIES:

Employers in relation to the management of
Jamadoba Colliery of M/s. TISCO Ltd.

AND

Their Workmen.

APPEARANCES:

On behalf of the workman : Mr. S. Singh,
Advocate

On behalf of the employers : Mr. D. K. Verma,
Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 21st April, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/373/96-IR-Coal-I dated, the 25th November, 1997.

SCHEDULE

"Whether the demand of the Union for the promotion of Shri Bishu Barhi in Category-V w.e.f. 21-4-1977 and in Category-VI w.e.f. 24-3-1983 on the basis of his claim of the date of appointment being 3-1-1957 is legal and justified? If so, to what relief is the concerned workman entitled?"

The case of the concerned workman according to written statement submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman got appointment as Carpenter in Cat. IV on 3-1-1957 at 6 & 7 Pit Colliery in the underground. They submitted that on and from 21-4-77 management placed him on the surface as a Carpenter without paying him higher grade and pay. Accordingly he placed his demand for his promotion in Cat. V with effect from 21-4-77 but the management refused to consider his claim. On the contrary under cadre scheme they promoted him in Cat. V with effect from 24-8-88. They submitted that the concerned workman completed 35 years of service in the year 1992. They disclosed that management as per its scheme offers its employees long service reward who completed 35 years

of service. As per the said scheme when the concerned workman claimed that reward management refused to award him taking the plea that this date of appointment was changed from 3-1-57 to 4-11-61 as his name was struck off from the rolls for his unauthorised absence from duty. On receiving the said information concerned workman raised his protest. It has been submitted by the sponsoring union that management neither issued any chargesheet nor any letter asking him to show cause for his unauthorised absence. He was also not informed that his date of appointment was changed. They disclosed that after getting intimation he wrote letters to the management to record his correct date of appointment as 3-1-57 instead of 4-11-61 but they did not pay any heed to his appeal. On the contrary they issued promotional order in favour of Janki Mistry in Cat. VI who was junior to him and got his appointment on 31-12-59 and in this way management deprived him from all benefit which he was legally entitled to get including the benefit for employment of his second son. They submitted that the concerned workman is entitled to get his promotion in Cat. V with effect from 21-4-77 and in Cat. VI w.e.f. 24-3-88 with difference of wages. He is entitled to get his promotion at least at par with his junior Sri Janki Ministry along with other consequential relief but as the management neglected and refused to give promotion as per his demand he through sponsoring union raised an industrial dispute before the ALC(C) which ultimately resulted reference to this Tribunal for adjudication.

Accordingly sponsoring Union on behalf of the concerned workman submitted prayer to pass award directing the management to give him promotion with all consequential relief in view of his claim.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegation which the sponsoring Union asserted in the written statement on behalf of the concerned workman.

They submitted that originally the concerned workman was appointed as General Mazdoor in Cat. I on 3-1-57. His name was struck off from the roll as per the provision of clause 9 of the certified standing order on 2-5-61 as he remained absent beyond the period of leave originally granted and did not return to his duties. On the expiry of the leave and continued absent for a pretty long period without any suitable explanation. Thereafter on request made by the recognised Union, his case was reviewed and he was reappointed on 4-11-61 and a fresh service record was opened from 4-11-61.

They submitted that date of birth of the concerned workman as per his declaration was recorded as 2-1-32 but subsequently in view of his prayer and as per report of the Apex Medical Board his date of birth was recorded as 25-7-37 in his service book. They further disclosed that

the concerned workmen not only accepted his fresh appointment with effect from 4-11-61 but also he did not raise any Industrial Dispute at that time. They submitted that the concerned workman as found suitable was given promotion to the post of Timber Mistry in Cat. IV at 6 & 7 pit colliery from 1-9-63 from Timber Mazdoor. They further submitted that in the year 1977 a vacancy arose on the surface in Cat. IV and accordingly, he was given chance to work on the surface in the post of Carpenter in Cat. IV with effect from 21-4-77 and thereafter he was given promotion in Cat. V with effect from 24-3-88 and he was placed in Town Maintenance Deptt. with effect from 20-5-92. They submitted that promotion to any Carpenter in Cat. IV, V and VI are given purely on merit considering their skill on the job of Carpentry. They disclosed that workman Janki Mistry got his appointment on 31-12-69 as Carpenter in Cat. V when the concerned workman was Timber Mazdoor and accordingly question of making his service at par with the said person finds no basis at all. Disclosing all these facts management submitted that claim of the concerned workman finds no basis and for which he is not entitled to get any relief in view of his prayer. Accordingly management submitted prayer to pass award rejecting the claim of the concerned workman.

4. Points to be Decided

“Whether the demand of the Union for the promotion of Shri Bishu Barhi in Category-V w.e.f. 21-4-1977 and in Category-VI w.e.f. 24-3-1983 on the basis of his claim of the date of appointment being 3-1-1957 is legal and justified? If so, to what relief is the concerned workman entitled?”

5. Finding with Reasons

It transpires from the record that the concerned workman in order to substantiate his claim examined himself as WW-1 while management also in support of their claim examined one witness as MW-I. Considering the evidence of both sides I find no dispute to hold that the concerned workman got his appointment at 6 & 7 Pits Colliery in the underground on 3-1-57. It is also evident that the concerned workman was reappointed on 4-11-61 and his seniority in the service started counting from that date.

It is the contention of the concerned workman that he got his appointment as Timber Mistry in the underground in Cat. IV. It is admitted that the concerned workman was deployed in service on the surface with effect from 21-4-77. The specific allegation of the concerned workman that in the year 1977 when he was taken to surface he was entitled to get wages as per Cat. VI but the management refused to pay him wages in the said category. He alleged that one Janki Mistry though was junior to him provided with wages of Cat. VI by the management ignoring

his claim without assigning any reason. For such discrimination he submitted representation to the management with a prayer for providing him wages in Cat. V and Cat. VI with effect from 21-4-77 and 24-3-83 respectively but to no effect. The representations which he submitted to the management during his evidence were marked as Ext. W-3, W-3/1 and W-3/2 and W-4 and W-4/1. On the contrary from the submission of the management it reveals that the concerned workman got his appointment as Timber Mazdoor in Cat. I in the underground on 3-1-57. His name was struck off from the roll as per provision of Cl. 9 of the Certified Standing Orders on 2-5-61 as he remained absent beyond the period of leave and also as he did not return to his duties on the expiry of the leave and remained absent for a long period without any explanation or justification.

Before taking into consideration of the fact it is to be looked into if the concerned workman got his appointment on 3-1-57 as Timber Mistry in Cat. IV or Timber Mazdoor in Cat. I. The concerned workman in support of his claim relied on the Identity Card and bonus card issued by the management. In both the documents marked as Ext. W-1 and W-1/1 designation of the concerned workman was noted as Timber Mistry but it cannot be ascertained on which date the same were issued. Concerned workman in course of hearing has failed to produce his appointment letter to show that he was actually appointed as Timber Mistry in Cat. IV and not as Timber Mazdoor in Cat. I. On the contrary management with a view to substantiate their claim relied on the service sheet of the concerned workman Ext. M-1 which speaks clearly that he was engaged as Timber/Carpenter Mazdoor. The service sheet of a workman is considered as a very important document and it preserves by the management in official capacity wherein all service particulars are noted for future reference and also for the interest of the workman. Concerned workman also had the scope to produce his wage slip to show that he received wages from the management since the time of his appointment in Cat. IV but he has failed to produce a single scrap of paper with a view to substantiate his claim. When service record of the concerned workman speaks clearly that he was appointed as Timber/Carpenter Mazdoor there is no scope to uphold his claim relying on his designation recorded in the Identity Card and bonus card as Timber Mistry particularly when it cannot be ascertained under whose signature those two documents were issued to him. Therefore, the claim of the concerned workman that he was appointed as Timber Mistry in Cat. IV finds no basis at all.

It is admitted fact that the concerned workman was placed on the surface as Carpenter with effect from 21-4-77. It is the allegation of the concerned workman that management refused to pay him wages in Cat. V in spite of his placement on the surface. He alleged that one Janki Mistry who was junior to him provided with the post of

Cat. VI in the year 1990, ignoring his claim. He submitted representation in this regard to the management but to no effect. Accordingly he demanded for his placement in Cat. V with effect from 21-4-77 and in Cat. VI w.e.f. 24-3-83. On the contrary it is the contention of the management that said Janki Mistry was directly selected and recruited as Carpenter in Cat. V with effect from 31-12-59. The concerned workman on the contrary was appointed as Timber/Carpenter Mazdoor with effect from 3-1-59. Disclosing this fact it has been submitted by the management that demand of the concerned workman cannot be equated with Janki Mistry. To rebut this claim concerned workman has failed to adduce any cogent evidence. Management on the contrary produced the service sheet of Janki Mistry (Ext. M-2) with a view to substantiate their claim. The service record speaks clearly that Janki Mistry was placed in Cat. VII with effect from 14-2-71 and got his confirmation in Cat. V with effect from 15-8-62. The service sheet of the concerned workman on the contrary shows that he was placed in Cat. IV on 15-8-67. Therefore, if the service conditions of these two workmen are taken into consideration there is sufficient scope to say that claim of equal benefit of the concerned workman with that of Janki Mistry finds no basis at all.

From the service record it transpires that the concerned workman passed the Trade Test for Carpenter Cat. V on 4-4-88. The concerned workman was upgraded to the post of Carpenter Cat. V with effect from 24-3-88 in view of his passing the Trade Test.

It is the contention of the management that the concerned workman was given chances to work on the surface when a vacancy arose in his post in the year 1977. They further submitted that promotion of carpenters in Cat. IV, and V and VI are considered on merit and skill on the job of carpentry and for which seniority factor is not counted. They submitted that promotion was given to the concerned workman in Cat. V as soon as he passed the Trade Test. The service record of the concerned workman definitely has supported this fact. Therefore, onus is on the concerned workman to establish that management neglected and refused to give him promotion in Cat. V with effect from 21-4-77 and in Cat. VI with effect from 24-3-88. In course of hearing the concerned workman has failed to establish that in spite of his establishing skill and merit in the Trade test management not only deprived him from giving promotion but also he was superseded by his junior. I find no hesitation to say that in spite of getting ample scope the concerned workman has failed to produce any cogent paper to show that management acted arbitrarily in denying his promotion in Cat. V and VI as per the duties mentioned by him. Every administration maintain its own independent policy to consider promotion of his employees to higher grade obviously abiding by the principle as laid down in N.C.W.A. It is the specific claim of the management that they consider merit and skill

of the workman instead of his seniority in giving promotion to the workman in Cat. V and as Carpenter. No evidence is forthcoming on the part of the concerned workman to show that the said policy which the management follows to consider promotion of a Carpenter in higher grade is contrary to the provision of NCWA. Concerned workman also has failed to give any satisfactory explanation what was the basis of his demand for promotion in Cat. V and VI from particular duties. Accordingly, I consider that the claim of the concerned workman finds no basis at all.

The concerned workman has raised a dispute relating to his reappointment with effect from 4-11-1961 and exposed how he was seriously prejudiced for such arbitrary and illegal decision of the management. No doubt management to counteract the claim of the concerned workman has assigned reason. However, it is clear that for the said issue though there was sufficient scope to raise industrial dispute at that relevant time the concerned workman did not consider necessary to do so. However, as this issue is not the subject matter of reference I find little scope to discuss this issue in details.

Here the moot question as per reference is whether the claim of the concerned workman to get his promotion in Cat. V and VI with effect from 21-4-77 and 24-3-83 is cogent and justified. I have discussed in details above relating to claim of the concerned workman and I have come to a clear finding that the concerned workman lamentably has failed to substantiate his claim. Accordingly, there is no scope to arrive into any conclusion that management arbitrarily and illegally violating the principle of natural justice deprived the concerned workman from his legitimate claim of promotion. In view of the fact and circumstances discussed above I hold that the concerned workman is not entitled to get any relief.

In the result, the following Award is rendered :—

“The demand of the union for the promotion of Shri Bishu Barhi in Category V w.e.f. 21-4-77 and in Category-VI w.e.f. 24-3-1983 on the basis of his claim of the date of appointment being 3-1-1957 is not legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2004

का. आ. 1306. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 109/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-04 को प्राप्त हुआ था।

[सं. एल.-20012/178/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th May, 2004

S.O. 1306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-5-04.

[No. L-20012/178/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of a reference under Sec. 10(1)(d) of Industrial Disputes Act, 1947.

Reference No. 109 of 1999

PARTIES:

Employers in relation to the management of General Manager, Katras Area of M/s. BCCL

AND

Their Workmen

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. H. Nath, Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 22nd April, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/17IR (CM-I), dated, the 27th January, 1999.

SCHEDULE

“Whether the action of the management of Keshalpur Colliery of M/s. BCCL in dismissing Sh. Arjun Bhuia, M/Loader w.e.f. 12/14-3-96 from the services of the company only on the ground of unauthorised absence from duty w.e.f. 3-9-94 is justified? If not, to what relief is the workman entitled?”

The case of the concerned workman according to Written statement submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman was a permanent Miner/loader at Keshalpur Colliery. They submitted that the concerned workman was a mental patient and for which he could not attend to his duties which was duly brought to the notice of the management but the management with vindictive attitude, arbitrarily and violating the principle of natural justice issued chargesheet to him with the allegation of committing misconduct on the ground of absenteeism. They submitted that at that relevant time the concerned workman was under specialised treatment of the doctor. They alleged that the concerned workman neither received any chargesheet nor any notice of enquiry. Even he did not receive any letter of dismissal. They submitted that after recovery from his ailment the concerned workman when came to his place of work with a view to resume his duty instead of allowing him to join the management dismissed him from service with effect from 12/14-3-96. Accordingly, the concerned workman raised an Industrial dispute through his sponsoring Union before the ALC(C) for conciliation which ultimately resulted in reference to this Tribunal for adjudication. The sponsoring Union accordingly, submitted prayer for passing award directing the management to reinstate the concerned workman to his service with other consequential relief and full back wages after recalling the order of dismissal.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman while posted at Keshalpur colliery as Miner/loader started himself absenting from duty w.e.f. 3-9-94 without giving any information or taking any prior permission. They alleged that the concerned workman was a habitual absentee. Accordingly, they issued a chargesheet to him vide letter No. 96/116 dt. 13-1-96 for committing misconduct on the ground of absenteeism. The concerned workman submitted his reply to the chargesheet but as his reply was not satisfactory Disciplinary authority decided to hold domestic enquiry against him and appointed O. P. Dubey, Sr. Personnel Officer as Enquiry Officer. They further submitted that the concerned workman fully participated in the enquiry proceeding started against him and full opportunity was given to him to defend his case and also to cross-examine the witness of the management. They further submitted that the Enquiry Officer conducted hearing of the domestic enquiry proceeding fairly and properly and after completing the said enquiry he submitted his report holding the concerned workman guilty

to the charges. The Disciplinary Authority after considering the report of the Enquiry Officer and also considering all other material facts dismissed the concerned workman from his service. They submitted that the concerned workman during 1992, 1993 and 1994 attended to his duties for 84 days, 18 days and 32 days respectively. Referring this statistic they submitted that no management can run any industry if such absenteeism is allowed without any punishment and further submitted that any punishment short of dismissal would have encouraged the other workmen to indulge in such absenteeism and in such case not only the progress of the industry would be paralysed but also its growth would be at a stake. Disclosing this fact they submitted that neither they committed any illegality nor took any arbitrary decision violating the principle of natural justice in dismissing the concerned workman from his service. Accordingly, they submitted prayer to pass award rejecting the claim of the concerned workman/sponsoring union.

4. Points to be Decided

"Whether the action of the management of Keshalpur Colliery of M/s. BCCL in dismissing Sh. Arjun Bhuia, M/Loader w.e.f. 12/14-3-96 from the services of the company only on the ground of unauthorised absence from duty w.e.f. 3-9-94 is justified? If not, to what relief is the workman entitled?"

5. Finding with Reasons

It transpires from the record that before taking up hearing of this case on merit it was taken up for consideration if domestic enquiry held against the concerned workman in view of order issued by the management was fair, proper and in accordance with the principle of natural justice. It transpires from the record that the said issue was disposed of vide order No. 15 dt. 14-11-03 by this Tribunal to the effect that domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. In the circumstances, at this stage there is no further scope to discuss this issue again. Here the moot point for consideration is whether the management have been able to substantiate the charge brought against the concerned workman and if so whether the concerned workman is entitled to get any relief as per provision laid down U/s 11A of the I.D. Act.

It is admitted fact that the concerned workman was Miner/loader at Keshalpur colliery under the management.

It is the allegation of the management that concerned workman started remaining himself absent from duty w.e.f. 3-9-94 without giving any intimation or taking any prior permission from the authority. They further alleged that the concerned workman was habitual absentee and during

1992, 1993 and 1994 he put his attendance for only 34 days, 18 days and 32 days respectively. They submitted that as absence from duty for more than 10 days without taking prior permission or giving intimation to the authority amounts to misconduct they issued chargesheet to him vide letter No. 96/116 dt. 13-1-96. The copy of the chargesheet during evidence of MW-1 was marked as Ext. M-1. It is the contention of the sponsoring Union on the contrary is that as the concerned workman was a mental patient and remained under treatment of the specialised doctor he could not attend to his duties and to that effect due information was given to the authority. They further disclosed that the chargesheet which was issued by the management was not received by the concerned workman. This submission on the part of the sponsoring Union finds no basis at all as the concerned workman after receipt of the chargesheet submitted his reply which during evidence of MW-1 was marked as Ext. M-2. MW-1 during his evidence disclosed that the concerned workman fully participated in course of hearing of domestic enquiry proceeding and signed all the proceeding papers. The enquiry proceeding papers during evidence of MW-1 were marked as Ext. M-4 series. The Enquiry Officer after completing enquiry submitted his report holding the concerned workman guilty to the charges. Ext. M-5. The enquiry officer in his report has clearly assigned the grounds why the concerned workman was found guilty to the charge brought against him. It is the contention of the concerned workman as per his reply that owing to his illness he could not attend to his duty. It is seen that inspite of taking this plea he in course of hearing failed to submit any cogent medical papers in support of his claim before the enquiry officer. In the chargesheet specific allegation was brought against him that during the years 1992, 1993 and 1994 he performed his duties for 34 days, 18 days and 32 days respectively. During enquiry full opportunity was given to him to give satisfactory explanation for remaining himself absent for such long period during the years in question but he has failed to give any satisfactory explanation to that effect. It is the contention of the sponsoring Union that during the period in question the concerned workman was a mental patient and for which he remained under treatment of specialised doctor. When such plea was taken onus absolutely shifted upon the concerned workman/sponsoring Union to justify the claim in question. Accordingly, I hold that management have been able to substantiate the charge brought against the concerned workman. I have carefully considered all proceeding papers and I find no hesitation to say that they have failed to produce a single medical paper with a view to substantiate their claim. They have also failed to assign any explanation for non-production of such medical papers before the enquiry officer. It is really astonishing to note that the concerned workman being a mental patient remained in treatment under specialised doctor without having a single medical paper. Accordingly, after careful

consideration I hold that the plea taken by the concerned workman is not at all tenable in the eye of law. Clause 26.1.1 of the certified standing order has clearly mentioned under which circumstances absence of the workman will be amounted to misconduct. It is seen that the concerned workman started remaining himself absent from duty with effect from 3-9-94 without giving any intimation or taking any prior permission from the Authority. It is seen that management issued chargesheet on 13-1-96 i.e. after one year and three months continuous absence. The sponsoring union have taken the plea that cause of absence of the concerned workman was duly intimated to the management but excepting making such claim they have failed to produce any cogent paper to that effect. Therefore, the plea taken by the sponsoring Union/workman cannot be considered sufficient for its acceptance. Accordingly, after careful consideration of all the facts and circumstances I hold that the management have been able to substantiate the charge brought against the concerned workman.

It is seen that the disciplinary authority after considering the report submitted by the Enquiry Officer and also after considering all material aspect decided to dismiss the concerned workman from his service and accordingly issued letter of dismissal to him bearing No. KP/BCC/DYCME/PD/96/630 dt. 12/14-3-96 to the concerned workman (Ext. M-7).

Now the point for consideration is if the concerned workman is entitled to get any relief U/s. 11A of the I.D. Act speaks as follows :—

“Whether an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances, of the case may require.”

Therefore, it is to be taken into consideration whether punishment inflicted on the concerned workman was unjustified or not. I have already discussed above in detail how the concerned workman remained himself absent from duty for years together. During the period of three years in total he attended his duty for a period of only 84 days. He has failed to justify the reason of his absence for such long period. Management submitted that in the

instant case if any lenient view is taken in favour of the concerned workman in spite of committing such gross misconduct in that case they will face extreme difficulty to maintain discipline amongst other workman and as a result there will be a serious impact in the production and economy. Before invoking the provision of Sec. 11A the concerned workman/sponsoring Union cannot avoid their responsibility to assign cogent reason in support of their claim. The record shows clearly that inspite of giving sufficient opportunity neither the concerned workman nor the sponsoring Union came forward with a view to substantiate the claim. They have also failed to assign reason why application of Sec. 11A in the instant case in favour of the concerned workman is necessary for the ends of justice. Conduct of the concerned workman if taken into consideration it will expose clearly how he violated the discipline of the management. There is sufficient reason to consider that the concerned workman did not care to abide by the discipline of the industry for the interest of its production. As of right he considered to violate the discipline and for which did not care even to intimate the ground of his absence to the management. Accordingly, I find substantial merit in the submission of the management against reconsideration of the punishment inflicted on him invoking Sec. 11A of the I.D. Act.

In the result, the following award is rendered :—

“The action of the management of Keshalpur Colliery of M/s. BCCL in dismissing Sh. Arjun Bhuia, M/Loader w.e.f. 12/14-3-96 from the services of the company only on the ground of unauthorised absence from duty w.e.f. 3-9-94 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 13 मई, 2004

का. आ. 1307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. 23/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2004 को प्राप्त हुआ था।

[सं. एल.-12012/338/91-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th May, 2004

S.O. 1307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 23/92)

of the Central Government Industrial Tribunal/Labour Court II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 12-5-2004.

[No. L-12012/338/91-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

Presiding Officer : R. N. Rai

I. D. No. 23/92

In the matter of Anand Kumar

Versus

State Bank of India

AWARD

The Ministry of Labour by its letter No. L/12012/338/91-IR(B-II) Central Govt. dt. 20-02-1992 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the action of the management of State Bank of India in terminating the services of Shri Anand Kumar (1) w.e.f. April, 1985 and (2) w.e.f. 27-03-1990 as Canteen Boy, having engaged him w.e.f. November, 1985 was justified ? If not, what relief the workman is entitled to ?”

The claimant has filed statement of claim. In his statement of claim, he has stated that he was appointed at the post Peon/Waterman w.e.f. 1-5-1984 and his last salary drawn was Rs. 325 per month. The workman performed his duties continuously since the inception of his appointment and thereby the workman continuously performed his duties as defined under Section 25B of the Industrial Dispute Act, 1947. The management was not providing the legal benefits such as ESI, PF, EL and CL and when the workman demanded for the same, the management instead of giving the aforesaid benefits, terminated the services of the workman w.e.f. 27-3-1990. It is further stated that the management has also not paid the earned wages for the month of February, 1990.

That the management has adopted an anti-labour practice to deprive the due entitlement of the workman and because of that reason, the management kept the workman on daily wages. It is stated that the workman performed the duties continuously without interruption.

That the termination of the services of the workman on 27th March, 1990 is really illegal and in violation to Section 25F of the Industrial Disputes Act. Because the present termination is nothing but retrenchment as defined under Section 2(oo) of the Industrial Disputes Act, 1947. The workman against illegal termination sent demand notice demanding his reinstatement with full back wages continuity of service but the management did not consider it.

The management has filed written statement. In the written statement, it has been stated that Shri Anand Kumar is not a workman. He has been engaged by the bank on contractual basis for supply of drinking water @ Rs. 75 per month. He is not governed by the provision of Industrial Dispute Act and he is not entitled to any benefits. He has no right to raise the dispute. It has been further stated that he was appointed as canteen boy from May, 1984 to February, 1985 by the Local Implementation Committee at the Kirti Nagar Branch of the Bank located at 1st floor of the same building. The local implementation committee is an independent and voluntary body formed at each branch/office by the members of all categories of staff working there, constituted to implement staff welfare activities. The workman agreed to bring drinking water from the ground floor and store it on the second floor premises of the Bank in P.P.G. Department at a mutually agreed rates on daily basis. He was engaged by the Local Implementation Committee of the P.P.G. Deptt. of the bank located at the second floor in November, 1985. From June, 1987, he was again engaged by the P.P.G. Deptt. of the bank for bringing water from the ground floor to the 2nd floor at the rate of Rs. 2 per day. The charges were revised and he was to be paid at the rate of Rs. 75 p.m. w.e.f. November, 1989 to March, 1990, Rs. 125 per month w.e.f. April, 1990 to September, 1990 and Rs. 75 per month from 1-10-1990 to 31-10-1990. He was not employed by the bank. He was employed by the Local Implementation Committee so he is not entitled to get any benefit of the 25B of the I.D. Act. As such, it is clear from the written statement that the duty of the workman was bringing water from the first floor and storing it on the second floor.

The workman has filed rejoinder. In his rejoinder, he has stated that he is a workman under the Industrial Dispute Act and his last drawn salary was Rs. 325 per month. He was not only a waterman but he was an employee of the bank. He was appointed by the Bank Management w.e.f. May, 1984. He has completed 240 days by the

admission of the bank. He was not appointed by Local Implementation Committee. He was appointed by the bank management.

Heard arguments from both the sides and perused the papers on the record. The workman has filed papers. It was argued by the learned counsel from the management that the payment was not made directly by the bank but through an agency so he is not an employee of the bank. The agreement has been entered into by Anand Kumar and he has put his signature. In this agreement, it has been written that he will supply the fresh water and he will fill up the water cooler and desert coolers and he will do it weekly and he will get money according to his labour from 1984 to 1990 at the rate of Rs. 75 per month and in 1990, Rs. 125 per month and from October, 1990 to 31st October, Rs. 75 per month and he absents, the expenditure incurred in the work regarding water will be realized from him. In case the management is not satisfied, then he may be removed. This letter has not been denied by the workman. It indicates that Shri Anand Kumar has been engaged by the bank on contractual basis for supplying water at various rates. He has not been appointed as an employee of the bank. It was stated by the management that there is no post of waterman in the bank. The same work is done by a peon at present. He was paid Rs. 2 per day. The workman has himself accepted that he was a waterman and not a peon. He was not given any appointment letter by the bank from 1-5-1984. He was paid Rs. 2 per day for filling the water. He has also admitted in his evidence that he used to be paid for extra work got done from him occasionally. As such, in his oral evidence, the workman has accepted that he was a waterman and not a peon and he did not know whether he was appointed by the bank or the Local Implementation Committee. He was not appointed by the bank. He has also admitted that he has paid for extra work and he paid Rs. 2 per day for filling water. This indicates that he was not an employee of the bank and he was not appointed by the bank as he has admitted in his cross-examination so the workman is not entitled to get any relief.

The award is given thus :—

The action of the management of State Bank of India in terminating the services of Shri Anand Kumar (I) w.e.f. April, 1985 and (2) w.e.f. 27-03-1990 as canteen boy, having engaged him w.e.f. November, 1985 is justified. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 06-05-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2004

का.आ. 1308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत सरकार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. 35/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-04 को प्राप्त हुआ था।

[सं. एल.-41012/98/93-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th May, 2004

S.O. 1308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 35/95) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 7-5-04.

[No. L-41012/98/93-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B.N. Pandey

L D. No. 35/95

Shri Bhupinder Kumar

S/o Shri Rohtas Kumar

Through The President,

Rail Coach Factory Karmachari Sangh,

Ram Naresh Bhawan, Tilak Gali,

Pahar Ganj, New Delhi-55

—Workman

Versus

The General Manager,

Rail Coach Factory,

Kapurthala Camp,

Tilak Bridge,

New Delhi-110002.

—Management

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-41012/98/93-IR(B) dated 21-2-95 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Northern Railway in removing the services of Sh. Bhupender Kumar, Sr. Clerk (Store) w.e.f. 2-1-92 is justified? If

not, to what relief the concerned workman is entitled?"

2. The workman Shri Bhupender Kumar through union filed his claim statement alleging that he was appointed in the RCF (Rail Coach Factory), Kapurthala as a Clerk on 28-4-87 and was sent to Stores office at Tilak Bridge, New Delhi and worked there for nearly 4 years with his ability, sincerity and faithfulness. That on 11-1-90, after taking casual leave for 11 & 12th January, 1990 sufficing 13 & 14th January, 1990 i.e. Saturday and Sunday which was sanctioned on 10-1-90, went to his native place for four days. That during the leave period unfortunately he fell ill and was forced to over stay there, as such he informed the office through a registered letter with an application coupled with sick certificate requesting extension of leave. The application was received in the office on 24-1-90 and it was entered in the receipt register at Sr. No. 2897. That his sickness prolonged and he could resume his duties only on 18-2-91. He produced sick and fitness certificate covering whole period of sickness from a private doctor. The RCF administration diverted the workman to the DMO, Delhi Kishan Ganj to get private sick certificate countersigned by the Railway doctor. That explanation was called for by the RCF administration from him for his absence, attributing the absence as unauthorised which was explained by him and he also claimed that his absence on account of sickness could not be termed as unauthorised absence. That, thereafter an inquiry was initiated for the alleged misconduct of unauthorised absence. During the inquiry relevant documents were not furnished to him for his defence causing prejudice to him. He could not be properly defended. Proper procedures of inquiry were not adopted by the inquiry officer. Ultimately the inquiry officer formed the charge levelled against the workman as proved and the Disciplinary Authority passed the order of his removal from the services vide order dated 8-1-92. The workman also filed his appeal against the removal order which was also dismissed vide order dated 24-6-92. Aggrieved the matter was taken to the Assistant Labour Commissioner (Central) for conciliation proceedings which ended in failure, hence this reference. The workman has challenged validity of the impugned order on several grounds. He alleged that the inquiry was conducted against the provisions of law and in complete violation of Principles of Natural Justice. The workman has prayed that the removal order being illegal and unjust is liable to be quashed and the workman is entitled to be reinstated with continuity in service and all consequential benefits.

3. The claim of the workman has been opposed by the management by way of filing a written statement. In the written statement, it has been inter-alia alleged that the workman was in the employment of Northern Railway administration and he was removed on 2-1-92. However, it was not denied that after obtaining leave for 11-1-90 and 12-1-90 sufficing 13-1-90 and 14-1-90 as Saturday and

Sunday the workman left the headquarter. He was due to resume his duty on 15-1-90 but he did not resume and absconded from duty during the period 15-1-90 to 15-2-91 and remained absent unauthorisedly without any permission or sanction. That during the alleged illness of the workman he never contacted any authorized medical attendant nor he informed his office except by sending a medical certificate for leave extension on Medical grounds. If the workman has informed the urgency of the situation, railway doctors could have either come to his residence personally or allowed him to consult any government hospital nearby. That the workman never tried to inform to any railway doctor regarding his sickness. That the workman committed an act of indiscipline and misconduct by remaining absent from duty during the period from 15-1-90 to 15-2-91. That all the relevant and relied upon documents were made available to the workman during the inquiry. That the workman was given full opportunity to defend him and also adduce his defence evidence in enquiry. That there was no illegality or violation of Principle of Natural Justice. The charge levelled against the workman was found established hence he was removed by the Disciplinary Authority. That there is nothing wrong, illegal or unjust in the removed order as well as appellate order. That the claim of the workman has no merit and hence it deserves to be dismissed and workman is not entitled to any relief.

4. Rejoinder against the written statement was also filed by the workman denying the contents of the written statement and reiterating the earlier averments made in the claim statement. Both the parties adduced documentary as well as oral evidences.

5. I have heard the learned counsel/A/R of both sides and also perused the file.

6. There is no dispute that the workman left his station/headquarter after obtaining sanctioned casual leave for 11-1-90 and 12-1-90 suffixing 13-1-90 and 14-1-90 being Saturday and Sunday. The management has also admitted the fact of receipt of application for extension of leave on the ground of his own sickness. It was also coupled with a sick certificate given by a private doctor. But at the same time it has also alleged that if the workman had informed the urgency of the situation, a railway doctor could have either come to his residence personally or allowed him to consult any government hospital nearby. It is also to be mentioned that the alleged letter dated 15-1-90 sent by the workman to the Controller of Stores, RCF, Tilak Bridge, New Delhi, seeking extension of his leave on the grounds of his illness has been filed by the workman and its genuineness has also been admitted by the A/R of the management. Therefore, it cannot be expected that the workman had not informed about his sickness to Railway Authorities. The A/R of the management could not show me any provisions under which it was necessary for the workman not to get his treatment done by any private registered doctor; and how and under what provisions it

was obligatory for him to contact the government doctor or railway doctor only for his treatment. If he had informed the railway authorities regarding his illness through a registered letter which was coupled with sick certificate, the railway authorities at their own accord, if it was necessary, could have or should have sent the railway doctor to do the needful. Therefore, the workman could not be blamed for it. It has also come in evidence that the workman joined soon after his recovery. Although according to the workman himself, initially he was not allowed to sign the attendance register but on 4-4-91 he was allowed to mark attendance. There is nothing on the records to show as to what steps were taken by the management for treatment of the workman during his illness despite receipt of the application for extension of leave on the grounds of illness. If it was not believed by the management, it was obligatory also on the part of the management to give a notice to the workman to join the duty soon after receipt of the letter and call for explanation about his absence. But no such notice was ever given by the management to the workman. The workman was also allowed to join his duty. The workman WW1 Shri Bhupender Kumar has also stated in his cross examination that he did not receive any letter from the railways in his village. Moreover, if letter dated 15-1-90 coupled with sickness certificate sent by the workman for extension of leave on medical grounds was received in the respondent's office, why it was not disposed off by the management no explanation has been offered by management for it by the management. Notice for joining was given by the management to the workman. The workman himself joined the duty after recovery without any notice of the management. The management has not assigned any reason as to why medical leave was not sanctioned particularly when the sick certificate given by a private Doctor was also countersigned by the Railway Doctors. There is nothing on the record to show that no medical leave was due to the workman.

7. If the workman could not directly inform himself to a railway doctor, the railway authorities could have also informed the railway doctor about his sickness and if it was necessary as per rules, as claimed by the management, the doctor should have gone to visit the workman. Why these steps were not taken by the railway management? Therefore, it cannot be accepted that the workman has been absenting from duty without any information. In his enquiry report, the inquiry officer has held that if informed of urgency of the situation, the railway doctor would have either come to his residence personally or allowed him to consult any government hospital nearby. The inquiry officer has also held that even if it is assumed that he was not in position to write a letter, he could have at least managed to inform about the situation telegraphically or telephonically from time to time which he did not do. Further, he held that it is not understood how can a railway servant ask for the leave extension for an indefinite period as

Shri Bhupender Kumar did in his first letter asking for leave extension till recovery. It shows that the inquiry officer has drawn his conclusion on certain assumptions and presumptions which were not built on any evidence.

8. If medical leave was available in his leave account, it could have been granted as per rules. No doubt the workman was absent for about 13 months but he had already informed that due to his sickness he was not in a position to attend the office, therefore it cannot be said that he was absenting or become absent without any information. Medical leave can be sanctioned to the employees during his service upto six months and even more with or without pay as the case may be in accordance with rules. But instead of doing the needful, the management adopted the method of punishing the workman in utter disregard to the law and rules of Principles of Natural Justice. It shows that the inquiry proceedings were held arbitrarily and due bias-ness of the management against the workman as claimed by him.

9. The management admittedly did not dispose off the application of the workman for extension of leave dated 15-1-90. The workman was also not informed by the management as to whether it also allowed or rejected. Therefore, the workman might have presumed that his application would have been granted. The rule is that if a workman applies for extension of leave and he does not receive any reply to his application from the employer, he is not bound to presume that the leave has been refused. Rather the presumption would be otherwise. An inquiry report, a quasi-judicial inquiry must show the reasons about the conclusions but it is waiting in the instant case.

10. The workman has claimed that he was also involved in union activities against the management and therefore the management was displeased and bias and the management arbitrarily held the inquiry and punished him with predetermined mind. It is also remarkable that there was no presenting Officer in the enquiry. The enquiry officer himself also acted the role of presenting Officer, which was not proper in a quasi-judicial proceedings of enquiry. It also shows that the enquiry officer did not act independently. In the circumstance of the case, I find that the claim of the workman cannot be ruled out. I find that the inquiry officer has not properly weighed the evidence of the parties on record before him. He based his conclusions on surmises and conjectures, hence it cannot be sustained as held by the Hon'ble apex court in Shri Anil Kumar Vs. Labour Court, Jalandhar-1985 (67) FJR 85 Supreme Court. The Disciplinary Authority as well as the Appellate Authority have also not considered these facts in awarding punishment in question, therefore it cannot be justified.

11. In view of the above discussions, I find that the action of the management of Northern Railways/RCF in removing the workman Shri Bhupender Kumar, Sr. Clerk (Stores) from his services w.e.f. 2-1-92 is completely illegal, improper and against the Principle of Natural Justice, therefore it cannot be justified, as a result of which the order of removal

of the workman from his services is liable to be quashed and accordingly it is quashed. In the result, the workman is entitled to be reinstated with continuity in services and all consequential benefits along with full back wages. After reinstatement the management shall also dispose the application of the workman for extension of leave on the ground of his sickness in accordance with rules, not affecting his reinstatement in the service and other benefits. The management shall implement this award within two months from the date of publication of the award in the official gazette. Parties shall bear their own costs. Award is given accordingly.

Dated : 6-5-2004

B.N. PANDEY, Presiding Officer

नई दिल्ली, 13 मई, 2004

का. आ. 1309.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. 192/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2004 को प्राप्त हुआ था।

[सं. एल.-41012/142/99-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th May, 2004

S.O. 1309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 192/99) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 12-5-2004.

[No. L-41012/142/99-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDER BHAWAN,
GROUND FLOOR, RAJENDRA PLACE
NEW DELHI

Presiding Officer : Shri R.N. Rai

I. D. No. 192/99

IN THE MATTER OF :

SURAJ PARKASH

Versus

GENERAL MANAGER,
NORTHERN RAILWAY,
NEW DELHI

AWARD

The Ministry of Labour by its letter No. L-41012/142/99/IR(B-1) dated 14-09-1999 has referred the following point for adjudication. The point runs as hereunder :

“Whether the demand of the Northern Railway Labour Union regarding reinstatement of Shri S. Parkash in the staff canteen Hospital, New Delhi is valid and justified ? And if so to what relief the workman is entitled ?”

The claimant has filed statement of claim. In his statement of claim, he has stated that he was appointed on 24-08-1988 as casual employee at Rs. 8 per day as wages and a casual employee service card was also issued to him in Northern Railway staff canteen in Northern Railway Control Hospital.

That the management of the canteen was handed over to the Managing Committee of the hospital staff presided over by Sr. Divisional Medical Officer of the said hospital and the committee was given the power to appoint the staff for canteen and 70% of wages of such staff of the canteen were borne by the management and 30% was taken from the sale proceeds of the canteen.

The workman continued in employment as before in the said canteen right upto 20-03-1986 for a long period of 7 years 5 months. He was also issued identity card. Vide circular letter No. E(W)90-CN-1-7(11) dated 18-05-1990 issued by the Railway Board for implementing the judgement of Supreme Court of India and consequently directed that the staff of such canteen should be treated as Railway servants w.e.f. 1-4-1990.

That suddenly on 20-03-1996, the canteen manager stopped workman from coming to the canteen for performing his usual duty without any written order and without any reason and justification. So the workman made a representation dt. 29-03-1996 to the Medical Director of the said hospital pointing out the injustice done to him and requested for grant of duty to him. But the duty was not granted to him for the reasons best known to the management. At any rate this non-grant of duty amount to illegal retrenchment of the workman from service.

That the management has filed written statement. In their written statement, it has been stated that in the canteen, 70% of wages are given by the railway and 30% was given from the sale proceeds.

That the General Manager, Northern Railway is the appointing authority and none else can appoint any daily wager or adhoc employee or regular employee. The fact is that the real brother of the workman applicant was the Secretary of the canteen and he engaged the applicant unauthorisedly and without power and he paid wages from the sale proceeds of the canteen. When it was noticed that

he had put his signatures on the register the General Manager has not appointed him, he was stopped from coming to the canteen. It has been further stated that he was not appointed by the General Manager and payment to him was not made by the railway but it was made by the sale proceeds of the canteen.

That the claimant has filed rejoinder. In his rejoinder, he has emphatically denied all the allegations of the written statement and has stated that he was a daily wages employee and his services should be regularised.

Heard arguments from both the sides and perused the papers on the record. It was submitted by the learned counsel of the workman that he has worked for 7 years. No compensation has been given to him. No notice has been given to him so there is violation of Section 25F of the Industrial Dispute Act and he deserves to be reinstated.

That it was stated from the side of the management that it is clear vide order dt. 19-9-1998 that a register be maintained of the casual labour. In it, it has been stated that if any person has been engaged by an unauthorized person, after 3-1-1981 that shall be illegal and after 3-1-1981, the power to engage the fresh persons as casual labour rests with the General Manager only and not with any lower authority. The workman was engaged after 1981 and it is an admitted case that he was not appointed or taken into service by the General Manager but he maintains that the Secretary is empowered to appoint him. But this is against the order of the General Manager in which it has been mentioned that after 3-1-1981, no person other than the General Manager can engage any person. As such, his engagement is illegal. He was appointed by his own brother and he got salary not from the funds of railway but from the sale proceeds of the canteen and enquiry was held against the Secretary and he was also punished for illegal appointment. As such the appointment of the workman is not legal. He has been appointed by a person who has no right of engagement. My attention was drawn to 2002 AIHC (Kerala High Court) in which it has been held that order cannot be interfered with on ground of violation of natural justice. In AIR 2001 Supreme Court 201, it has been held that any appointment made to post not in consonance with statutory Rules—illegal/irregular appointees even if continued for a long period—He is not entitled to be regularised.

It is obvious from the above discussion that the applicant workman was not engaged by the General Manager. He was engaged after 3-1-1981. He was engaged by his own brother illegally. In the circumstances, enquiry was also not essential as the person engaged was taken into service illegally by an unauthorized persons and he did not get 70% wages from the railway and 30% from the sale proceeds but fraudulently his brother being the Secretary engaged him and paid him wages from the sale

proceeds of the canteen only. 1994 (4) scale is not applicable in the facts and circumstances of this case. It is apparent that the appointment of the workman was illegal. He was drawing illegal salary so he cannot claim to be regularised and no compensation need to be paid to an employee whose appointment itself is illegal and against the provisions of law. The workman is entitled to no relief as prayed for.

The award is given thus :

The demand of the Northern Railway Labour Union regarding reinstatement of Shri S. Prakash in the staff Canteen Hospital, New Delhi is neither valid and nor justified. The workman is not entitled to get any relief as claimed.

The award is given accordingly.

Date: 05-05-2004. R. N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2004

का. आ. 1310.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. 106/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2004 को प्राप्त हुआ था।

[सं. एल.-12012/274/90-आई आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th May, 2004

S.O. 1310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 106/91) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 13-05-2004.

[No. L-12012/274/90-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDER BHAWAN,
GROUND FLOOR, RAJENDRA PLACE
NEW DELHI

Presiding Officer : Shri R.N. RAI

I. D. No. 106/91

IN THE MATTER OF :

ISHWAR LAL

Versus

STATE BANK OF INDIA

The Ministry of Labour by its letter No. L/12012/274/90/IR(B-1), Central Government dt. 21-3-1991 has referred the following point for adjudication. The point runs as hereunder :

"Whether the action of the management of State Bank of India in dismissing Shri Ishwar Lal, Clerk-cum-cashier w.e.f. 30-07-1985 was just fair and legal? If not, to what relief the workman is entitled to?"

That the workman was offered the post of clerk-cum-cashier against the reserved quota of war disabled Ex-serviceman, joined SBI w.e.f. 16-09-1981 and was confirmed after 6 months probation expired on 15-3-1982. Rs. 12 lacs was fixed and new accounts arranged within a year by keen efforts of the workman and thus he was entitled to be issued a letter of commendation from the Chief General Manager under the existing norms/policies of the bank. Besides, honesty and sincerely working stands proved since the workman had worked beyond business hours against no gains as well as excess receipt of cash gradually deposited in Sundry A/c are the recorded/admitted facts. He has been charged and *ex-parte* enquiry was held and he was dismissed from service. His dismissal is arbitrary against the law and unfair. These charges were levelled against him.

CHARGE NO. I

The management alleged that the workman made some material alterations in an FDR related to his wife Smt. Devki as well as in bank records to derive 1% extra staff rate interest and also attempted to snatch the FDR on 1-2-1984 from the hands of BM and took away with a torned piece of the FDR.

CHARGE NO. II

The management contended that the workman had been marked to be on leave in Attendance Register on 20 and 21-7-1983 and later the workman by unauthorized overwriting substituted viz. "Proceeded on deputation to Delhi/New Delhi".

CHARGE NO. III

The management contended that the workman while working in cash deptt. unauthorisedly detained the cash beyond hours on Saturday 23-7-1983 for want of payment of his TA/DA bill on account of his deputation (18 to 21-7-1983) to Delhi/New Delhi referred in charge-II above.

CHARGE NO. IV

The management's contention is that the workman on 12-12-1983 came late at 12.45 P.M. and left office at 14.40 P.M. is attended office less than 2 hours against full day's presence (9.45 to 4.45) unauthorisedly marked over "leave" had been remarked by the management in attendance register.

CHARGE NO. V

The management contended here that a conveyance charges claim for Rs. 220 was tendered by the workman on 16-7-1983 which was merely acknowledged receipt by the Branch Manager on spare copy where as the workman letter imprinted the pay stamp over the signature of the Branch Manager and by that act and conduct, complete meaning of the bill stands changed to a passed voucher.

CHARGE NO. VI

The management contended that the workman drew three cheques total amounting to Rs. 7,000 against his savings bank account No. 88110/442 at SBI, New Delhi Main Branch, which were presented in local clearing and had to be dishonoured (return/unpaid) on 2 and 5-7-1982 for wants of funds.

The claimant has stated in his statement of claim that all the charges are bogus and vague.

The Opposite Party has filed written statement.

In the written statement, the Opposite Party has stated that six charges framed against the workman have been proved. In enquiry in which principles of natural justice have been followed and sufficient opportunity to the workman has been given but the workman did not turn up. Though the enquiry is *ex-parte*, but it could not be set aside on the ground of being *ex-parte* because sufficient opportunity has been given and 10 witnesses have been examined and the workman did not turn up to cross-examine the witnesses. Thereafter the copies of the enquiry report were supplied to him and he was also informed regarding the proposed punishment but still he did not turn up to show-cause that lesser punishment should be awarded.

The claimant has filed rejoinder and in his rejoinder, he has asserted that all the charges are vague. No paper was supplied to him. No enquiry report was given to him. He was not heard regarding the proposed punishment. He received all the papers and the enquiry report and dismissal order at one and the same time so he was not given opportunity to cross-examine the witnesses.

It is admitted that the enquiry is *ex-parte* but the enquiry report itself shows that sufficient opportunity has been given to the workman but the workman on some ground or the other did not turn up and statement of witnesses are taken after giving notice and he was also given time to cross-examine the witnesses but he did not turn up so on the evidence of witnesses, the Enquiry Officer gave a finding and held all the six charges proved and notice was again sent to him and he was asked to show-cause why the proposed punishment of dismissal should

not be awarded against him. On that occasion also, he did not turn up.

Heard learned counsel from both the parties and perused the documents on the record. The learned counsel for the workman submitted that so far charge No. 1 is concerned, there was a STDR for Rs. 6,500 in the name of his wife. There is no question of adding his own name. If he wanted to get 1% extra interest, then he could have made the account joint and there was no question of forgery on that account. The original paper, original STDR has not been filed on the record but the photocopies have been filed on the record so there was no tampering in the STDR deposited in the name of his wife of Rs. 6,500. The said STDR was issued at the public rate of interest against the saving bank cheque No. 140362 dt. 25-1-1982. In the circumstances I would like to mention that on Rs. 6,500, 1% extra interest comes to Rs. 65. It was stated by the learned counsel of the workman that nobody would commit such a forgery for getting the benefit of Rs. 65.

It was argued on the second charge by the workman that he was instructed to go to Delhi on 19th July, 1983 for collection of some payment advices from Delhi, New Delhi branch and report back on duty on 20-07-1983. When he did not attend the office on 20th and 21st of July, 1983, the management marked him to be on leave in the Attendance Register on the said dates but on his attending office on 22nd of July, 1983, he deleted the remarks Leave of Manager and substituted by writing deputed to Delhi/New Delhi. Regarding this charge, it has been submitted by the workman counsel that the letter of the management is on the record and in that letter, it has never been shown that he was directed to come on 20-07-1983. It took two days to collect payment advices so the workman turned up on 22nd of July, 1983. Since there is no mention regarding the date, the Branch manager ought not to have written on leave as he himself has sent the workman to New Delhi which was contended that it is not possible to go on 19th July and collect payment advices and return on the next date, the letter itself is evident that no time of return has been given.

It was argued on charge No. III that the workman submitted TA Bill for Rs. 206 to the Branch Manager regarding his deputation to New Delhi branches. He did not intentionally make payment upto 3.45 PM till his bill was cleared and he refused to comply with the instructions stating that the cash will not be handed over by him till his bill is not passed by the Branch Manager for payment. Thus, he held cash upto 3.45 PM and adopted pressure tactics. It was argued by the learned counsel of the workman that there is no question of not making payment and there is no sufficient evidence on record. His TA Bill ought to have been granted but the Branch Manager did not intentionally grant it and he made payments. He did not withheld the cash upto 3.45 PM.

It was argued on the IV charge and submitted by the learned counsel for the workman that on 12-12-1983, he

came late at 12.45 PM. Leave was marked against his name but he deleted the remark "leave" in the attendance register, marked his arrival time as 9.45 and also deleted his name from the absentee register. He unauthorisedly worked from 12.45 PM to 2.40 PM in the office and marked his departure time as 4.45. Thus, he tampered the record in an unauthorized manner. In this context, the learned counsel for the workman submitted that the bank directed him to instigate people to deposit money with the bank and so he went to the Ex-Servicemen who have got provident fund and persuaded him then deposit money with the bank and as a result of that Rs. 12,00,000 was deposited so he came late. He did not tamper. He worked for the full day. The money was deposited accordingly. So he got Rs. 12 lakhs deposited to the credit of the bank.

It was submitted by the learned counsel of the workman that on 16-7-1983, he submitted TA Bill for Rs. 220 to the Branch manager and obtained acknowledgement on duplicate copy thereof against initials/date of the Branch Manager. As the allowances claimed in his above bill did not set up a valid claim. He was advised by the Branch Manager by letter dt. 23-7-1983. The Branch Manager has put his initials on the photo copy in token of his having received the original bill which continues to be in the custody of the branch Manager but the workman put the "Pay" stamp over the initials which had been put by the Branch Manager on the duplicate copy of the bill for the sole purpose of giving an acknowledgement of the receipt of the bill. He did not take any payment. It was argued that if he had mala fide intention, then he would have got the cash but he did not cash it is the manipulation in order to falsely involve him.

It was argued in respect of the charge No. 6 that the undernoted cheques drawn on his joint Savings Bank A/c No. 88110/442 maintained in New Delhi Main Branch were dishonoured when presented for payment at the above branch due to insufficiency of balance in the account. So far the dishonour of the cheque is concerned, the cheque was not issued to some other person from whom he has taken money. He might be in confusion that he has balance so he has issued the cheques. The dishonour of the cheques by no means constitute any offence as the cheque has not been issued in the name of any other person but he himself wanted to get that amount so there is no question of forgery in this matter.

Heard learned counsel for the management. The learned counsel for the management said that though the enquiry is ex-parte, but sufficient opportunity has been given and nine witnesses have been examined. Ex-parte enquiry is as good as a contested enquiry. If a person after giving sufficient notice does not turn up subsequently he cannot take the plea that he did not get time to cross-examine the witnesses. The workman deliberately avoided the enquiry as he knew that the charges would stand proved against him. In this connection, AIR 1996 SC page 1232

and AIR 2001 SC page 2418 the Hon'ble Apex Court has held that in judicial review, it is the established law that the court or the Tribunal has no power to trench on the jurisdiction to appreciate the evidence and to arrive at its own conclusion. It is quite correct that the Tribunal has got no judicial power and he cannot replace the finding of the enquiry officer by his own finding but there must be some evidence in support of the case. My attention was drawn to AIR 2001 SC Page 2418, it has been held by the Hon'ble High Court that interference by the Tribunal is only permissible when there is no evidence for the said conclusion or that on the material on record the conclusion cannot be that of a reasonable man. Enquiry officer dealing with Articles of charge chronologically and relevant materials on basis of which ultimate conclusion is arrived at—Findings of Enquiry Officer cannot be held to be findings based on no evidence—Bias of enquiry officer also not made out. Enquiry cannot be held to be vitiated. This law is recent, so the previous law cited by the management is not effective in view of the recent decision of the Hon'ble Supreme Court. My attention was drawn to 1979-1 Labour Law General Page 23, in which it has been held that the tribunal can interfere in those cases where the punishment is so harsh as to suggest victimization. In this case, there is no embezzlement. At the worst, in case all the charges are deemed proved, the workman has not embezzled any amount so in my view the punishment of dismissal is not commensurate with the charges proved.

In 1972-SC, page 608, it has been held that it is not open to a party to object to the admissibility of documents which are marked as exhibits without any objection from such party. In case the documents are properly admitted, their contents should also be deemed to have been admitted.

My attention was drawn to 2001 LAB I.C. NOC 12. This law is not applicable in the facts and circumstances of the case.

From the side of the workman, over 60 citations have been referred to. I have gone through all the citations. They have no bearing on the facts and circumstances of the case so I do not deem it proper to mention all the cases which have got no bearing in the facts of the present case.

From the above discussions, it is clear that though the enquiry is ex-parte but it was on the deliberate delay of the workman and the workman cannot get the benefit of ex-parte enquiry when he himself avoided the enquiry so the citations referred to by him are not applicable in the facts and circumstances of the case. Now the substantial question which requires adjudication is how far the charges leveled against him have been proved and whether the findings of enquiry officer is based on some evidence on the record or not and whether the punishment is not harsh, in view of the charges leveled against the workman. In this context, I would like to submit that the first charge is regarding STDR

of Rs. 6,500. The original paper has not been produced so that it may be said that he added his name in order to get 1% extra interest. 1% extra interest amounts to Rs. 65 and no employee would make such a forgery. He could have made the account joint so there is no evidence to substantiate the charge though the witnesses have not been cross-examined.

So far second charge is concerned, it may be true that he came on 22nd July but he ought not to have deleted Leave and overwritten deputed to New Delhi/Old Delhi. He ought to have submitted an application and got the leave cancelled. This is a charge of simple disobedience.

So far third charge is concerned, it is regarding TA Bill. This is a simple act of disobedience so payment was made after 3.45 PM.

So far charge No. IV is concerned it has been argued by the workman counsel that he was sent by the bank to get money deposited in the bank by the ex-servicemen who have got GPF so he came late. It was true that Rs. 12,00,000 have been deposited on the initiation of the workman but still he should not have deleted leave and written 12.45 PM instead of deleting leave, he ought to have brought the reason of his approaching at a delayed time to the Branch Manager but he made overwriting by his own hand. This is also a simple act of disobedience.

So far charge No. V is concerned, that is TA bill for Rs. 220 and it has been said that he put pay stamp over the initials written unauthorisedly but he did not get the bill cashed. Had he had the intention to get the bill encashed, then he would have received payment. So despite the evidence of the witnesses, this charge does not stand proved to the mind of a man of reasonable prudence. This charge also has no sufficient evidence to be proved and the enquiry officer has given finding which has no legs to stand upon. So far charge No. 6 is concerned, that is regarding dishonour of the cheque, the cheque was not issued in the name of some other persons but it was issued in the name of the workman himself so in case the cheques were dishonoured, he has committed no offence. It has been argued also by the learned counsel for the management that the workman has himself admitted that he is in a gainful employment. He has admitted before RLC and other courts and earning his livelihood.

My attention was drawn to 1993 LLR 510 Del, 1992 LLR 694 P&H, 1999 LLR 499 SC, 1999 LLR 1169, 1999 LLR 874, 1991 LLR 505, 1996 LLR 405 AP, 1993 LLR 114 PAT(DB), 1993 LLR 312 AId, 1995 LLR 420 KAR, 1975 SLJ 136, 1991 LLR 37 KAR (DB), and so many other cases. I have gone through all the citations but they do not have any bearing

on the facts and circumstances of the case. In this case, it is abundantly proved that the workman was given sufficient time to attend the enquiry but he did not attend the enquiry instead he went to the Civil Court. He has been given the chargesheet and all the papers on which the management has to rely upon. 10 witnesses have been examined but none of the witness have been cross-examined by the workman and ex-parte enquiry is as good as a contested one and in the circumstances of the case this enquiry should also be deemed to be correct. Principles of natural justice have been followed. He has been given ample opportunity to cross-examine the witnesses. Through the enquiry is ex-parte one and there is no prayer to get the ex-parte enquiry set aside. Even if there is such a prayer, it cannot be set aside as sufficient opportunity has been given.

I have referred to all the charges and have come to the conclusion that some of the charges are baseless and in view of the AIR 2001 SC, interference is permissible. I have already referred to some of the charges to which any reasonable man will not find prove in the citation of the management itself. Annexure 'C' 1977 ILLJ, the Tribunal may interfere where the punishment is so harsh as it amount to victimization.

In my view, the punishment inflicted on the workman is very harsh. At the worst, some increments would have been stopped with cumulative effect. The punishment of dismissal for no forgery and no embezzlement, no dishonesty, no disintegrity is not justified by any stretch of imagination. In view of the pronouncements of the Hon'ble Apex Court and the another Hon'ble High Courts, I am of the view that four increments of the workman with cumulative effect should be withheld and he should be reinstated from the date of his suspension but he should not get back wages as he himself has admitted that he is in gainful employment.

The reference is replied thus :

The action of the management of State Bank of India in dismissing Sh. Iswar Lal Clerk-cum-cashier w.e.f. 30-7-85 is neither just nor fair nor legal.

The workman deserves to be reinstated from 1-1-2000 with the stoppage of two increments with cumulative effect and he is not entitled to get any back wages as he is in gainful employment prior to 1-1-2000. It is clarified that he will get 50% back wages after 1-1-2000 and his two increments will be stopped with cumulative effect.

The award is given accordingly.

Dated: 05-05-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1311.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजकुमारी अमृतकौर कॉलेज ऑफ नर्सिंग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 81/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/60/96-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/96) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajkumari Amrit Kaur College of Nursing and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/60/96-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI

Presiding Officer : Shri R. N. Rai

I.D. No. 81/96

In the matter of:

Kamlesh

Versus

Rajkumari Amrit Kaur College of Nursing

AWARD

The Ministry of Labour by its letter No. L-42/012/60/96/IR (DU) Central Govt. dated 28-08-1996 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the action of the management of Rajkumari Amrit Kaur College of Nursing, Lajpat Nagar in terminating the servicee of Ms. Kamlesh Ayah is justified and legal ? If not, to what relief the workman is entitled ?”

The claimant has filed statement of claim. In her statement of claim, the workman has stated that she is a scheduled caste girl and was appointed in the post of Aya at Raj Kumari Amrit Kaur College of Nursing, Lajpat Nagar, New Delhi-110024. The college is run under the direction and control of Ministry of Health and family welfare. On 29-09-1993, she was appointed on permanent basis. She was getting pay of Rs. 2,010 per month. She declared at the time of her appointment that she was unmarried as the workman had been divorced and her status was unmarried at the time of filling the form.

That the workman was married in the year 1988 before joining the service. There was a son born to the applicant from the marriage in the year 1989 before her joining the service and was divorced thereafter and at the time of filing the declaration, she was unmarried. The respondent No. 1 removed the services of the workman on the flimsy ground that she committed misconduct.

In 1984 LLJ 337(SC) it has been held that respondent No. 1 is not empowered to decide the complicated question of personal law regarding marriage and divorce. The respondent No. 1 has exercised her powers beyond the purview of law and has passed the order at the instance of Shri Jai Bhagwan.

The Opposite Party has filed written statement. In the written statement, it has been stated that the workman applicant had declared herself unmarried but she had not having a decree of divorce from any competent court so her services have been legally terminated in accordance with sub Rule 1 of Rule 5 of the Civil Services Conduct Rules. The Administrative Authority is the appointing authority but at that time there was no administrative authority. The Principal was incharge of the post of Administrative Officer so the termination of service by the Principal is valid.

The workman has filed rejoinder. In her rejoinder, it has been stated that by mutual consent, there was divorce in 1991 whereas she joined duty on 26-10-1993. The divorce was by mutual consent in the Panchayat.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the workman that in 1995, a letter was given to her that she was married and was the mother of a five years old son. Her services were terminated on 26-07-1995. It was contended by the workman that when an allegation is levelled against the workman, it is necessary to conduct an enquiry. In this case, no enquiry has been conducted.

My attention was drawn to AIR 1998 SC 327, it has been held that the termination of the services of probationer without notice or reason is valid. In 1996, LLR 362, is regarding bigamy, it is not applicable in this case. In 1997 LLR 164 DHC, it has been held that back wages should also be given and reason should be given why back wages

have not been given. In case the termination of service is found illegal, full back wages should be given. It was argued from the side of the management that her services were terminated without causing any stigma. She was a probationer and her services could be terminated without holding any enquiry.

A letter has been given to her to show-cause whether she had a five years old son and she was married. In reply to the letter, she has written that she has five years old son and she was married but there was a divorce in the Panchayat in 1991. So far as scheduled castes and scheduled tribes are concerned, there is customary law that divorce between the husband and wife can be effected through Panchayat, a decree of civil court is not necessary. She ought to have mentioned the entire facts in the form but she did not do so since divorce had taken place and she considered herself unmarried. In case, the divorce is effective, she shall be deemed to be unmarried. She has not disclosed the full fact but the reality is that she may be divorced by her husband or she may divorce her husband in Panchayat, she had already taken its stand. As such, in such circumstances, it was necessary to ascertain whether she was a divorced lady or she was a married lady. Her services should not be terminated on the complaint of her so-called husband.

She is a working class lady and she used to do physical work. As such she cannot be sit idle after termination of her services and there were some doubtful grounds for termination of her services. In the facts and circumstances of this case, I deem it expedient in the interest of justice that she should be reinstated with 50% back wages from the date of termination of her services.

The award is replied thus :—

The action of the management of Rajkumari Amrit Kaur College of Nursing, Lajpat Nagar in terminating the services of Ms. Kamlesh, Ayah is neither justified and nor legal ? The workman/applicant deserves to be reinstated at the post of Ayah from the date of termination of the services with 50% back wages.

The award is given accordingly.

Date : 28-04-2004.

R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1312.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17-के अनुसरण में, केन्द्रीय सरकार ब्यूरो ऑफ सिविल ऐविएशन सिक्यूरिटी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ

संख्या 62/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/7/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 62/93) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bureau of Civil Aviation Security and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/7/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI

Presiding Officer : Shri R. N. Rai

I. D. No. 62/93

In the matter of :

M. RAJU

Versus

Management of M/s. Bureau of Civil Aviation Security

AWARD

The Ministry of Labour by its letter No. L/42012/7/92/IR(DU) Central Government dt. 26-08-1993 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the action of the management of Bureau of Civil Aviation Security in terminating the services of Shri M. Raju, Farash w.e.f. 1-5-1991 is justified ?”
If not, what relief the workman concerned is entitled to ?

The claimant has filed statement of claim. In his statement of claim, he has stated that he was appointed with the respondent management on 11-4-1988. He discharged his duties of Farash in the respondent concern. Thus he is a workman under the provisions of Section 2(s) of the I.D. Act.

That the claimant was paid Rs. 34.60 per day but his services were to be regularised in the respondent concern

but the management did not perform this obligation of regularising the services of the petitioner. There was an order from the Ministry of Aviation to regularise the services of the employee working since 7-6-1988. In this order it has also been mentioned that even if the employee has attained over age, his over age conditions should be condoned and his services should be regularised.

That the petitioner used to do the domestic work of the officers who were at the helm of the affairs besides official duty of the petitioner. This domestic work of the officers used to be performed by the petitioner after his duty hours. As ill luck would have it the petitioner became sick and his health did not allow to do the domestic work of the officers after duty hours. This very fact irritated the officers who were at the helm of affairs and they planned to terminate the services on 30-04-1991 of the petitioner without any rhyme and reason. No notice was given to him. No compensation was given to him. No charge sheet was issued to him. It has been stated that he committed theft and several officers complained against him so his services were terminated as per rules.

The management has filed written statement. In the written statement it has been asserted that the Bureau of Civil Aviation Security is an independent department under the Ministry of Civil Aviation. It is responsible for laying down standards of pre-embarkation security and anti-sabotage measures in respect of scheduled civil flights at International and domestic airports in India. It was observed that he has committed theft thrice by stealing money and that too from the brief cases/bags of senior police and army officers. He was a Farash on daily wage basis is not denied. The respondent is a security organization which deals with a lot of top secret/confidential nature of information relating to security of international and national airports so the respondent is not an industry. He was a casual employee so his services were dispensed with. He gave an application of apology but it was not considered. It establishes the fact that he committed theft during his service period.

That the workman has filed rejoinder. In his rejoinder, it has been stated that he has denied all the charges levelled against him and he said that he was working honestly. The application of certain Army Officers and Police officials were taken with malafide intention of removing him from service.

Heard arguments from both the sides and perused the papers on the record.

It is established law that an employer who is discharging the sovereign functions of the company cannot be said to be an industry. It has been submitted by the management that in the case of State of Punjab Vs. Kuldeep Singh and another, 1983 LAB IC 83, it was held that the persons performing the sovereign or the legal

functions of the state which are the primary and inalienable rights of a constitutional govt are not workman. Since Bureau of Civil Aviation is not an industry, so the provisions of Section 2(s) of the I.D. Act are not applicable in the present case.

It was argued from the side of the management that the Ministry of Civil Aviation has issued order dt. 15-1-1990 that those who are working at daily wages upto 10-04-1990 and completing two years service, they should be regularised. Many people have complained against the workman that the workman has stolen money from the brief cases and the purses. Since the workman was a Farash so he was concerned with cleaning the room and he has committed theft. Mr. Raju has given an application dt. 3-5-1991 in which he has written that he should be given permission to work. He would not commit any mistake in future. It was submitted by the management that Bureau of Civil Aviation Security is not an industry so there is no question of giving prior notice or compensation. My attention was drawn to 1997 LER 401 in which it has been held that the Department of Space—engaged in pure research in space science—Research work was not connected with production, supply or distribution of material goods or services and is not an industry.

In 1997 LLR 793, it has been held that telecommunication department is not an industry, therefore, Tribunal has no jurisdiction to adjudicate dispute on a reference under Section 10(1) of the Industrial Disputes Act, 1947.

In 1997 LLR-889, it has been held that the Irrigation Department of the State is not an industry within the meaning of Section 2(J) of the Industrial Disputes Act, 1947.

From the perusal of the aforesaid citations of the Hon'ble High Court and the Hon'ble Apex Court, it becomes quite apparent that Bureau of Civil Aviation is an organization of an Aviation Ministry and it does not fulfil the criteria of an industry. It is concerned with security measures which are essential for saving the life of a person.

The Bureau of Civil Aviation is not concerned with trade and business activities but it is concerned with the security measures just as telecommunication is concerned with telephones etc. and the irrigation department is concerned with the irrigation likewise Civil Aviation is not a industry but it is a department of the government. From the above discussions, it is quite apparent that Bureau of Civil Aviation is not an industry. It is a department of the government. As such, the workman is not a workman of industry and he is not entitled to get benefit of 25(F) of the Industrial Dispute Act. I find no merit in the statement of claim of the applicant workman. His claim is liable to be rejected.

The award is replied thus :—

The action of the management of Bureau of Civil Aviation Security in terminating the services of Shri M. Raju, w.e.f. 1-5-1991 is justified. He is not entitled to any relief as prayed for.

The award is given accordingly.

Dated :—05-05-2004 R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1313.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 13/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/131/93-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/94) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/131/93-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

Presiding Officer : Shri R. N. Rai

I. D. No. 13/94

In the Matter of :

RAM SINGH

Versus

C.P.W.D

AWARD

The Ministry of Labour by its letter No. L/42012/131/93/IR(DU) Central Government dt. 21-1-1994 has

referred the following point for adjudication. The point runs as hereunder :—

“Whether the Executive Engineer Electrical Construction Division No. 4 was justified in not regularising the services of Shri Ram Singh, son of Shri Narain Ram as driver and also terminating his services w.e.f. 1-11-1993 ? If not, what relief the concerned workman is entitled to ?

The claimant has filed statement of claim. In his statement of claim, he has stated that Ram Singh son of Shri Narain Ram was engaged as Driver on 30-09-1990 in the Electrical Construction Division No. 4 and posted in Electrical Construction Division, Sub-Division No. 1 of the above management.

That the workman was driving the jeep himself of Electrical Construction Sub-division No. 1 and no contractor or 3rd party was involved between the management and the workman.

That the management have regularised the services of many junior persons to this workman but he has not been regularised. He is entitled to be regularised as driver in the time scale of Rs. 950-1500 and also entitled to the arrears of wages from the initial date of engagement i.e. 30-09-1990.

That the management finally terminated the services of the workman w.e.f. 1-11-1993 with a view to teach the lesson for demanding the lawful claim by the workman for regularising his services in the time scale of Rs. 950-1500.

That the workman had completed more than 240 days of service in the years 1991, 1992 and 1993 and worked continuously without any break.

That the management has filed written statement. In their written statement, it has been asserted that ID Act, 1947 is not applicable. His job was contractual. He was a contractual driver of the jeep. His services had been admitted. He has worked from 11-7-90 to 31-3-1993 but he was placed with different agencies for the execution of the job of a driver under the management through call of quotations, as per procedure laid down in account code/CPWD Manual.

The claimant has filed rejoinder. In his rejoinder, it has been stated that he was the driver of the jeep and he drove the jeep. The Management supervised the work of the driver. He was driving the jeep of the Executive Engineer. He deserves to be reinstated.

Heard arguments from both the parties and perused the papers on the record.

It was argued by the workman that Asstt. Engineer has given a certificate that he was driving jeep from 30-09-1990 on contract basis. There was no person under whom he worked. Payment to him was made by the Executive Engineer. He was under the control of the company. The work order is a camouflage to avoid his reinstatement or regularisation.

The management argued that he worked on Work Order basis and he drove the jeep and he got salary of Rs. 780. Papers have been filed that he received the payment from the engineer and not from any contractor. So he cannot be said to be contractor or contract labour.

That the claimant was never engaged by the management on Muster Roll or on hand receipt nor he worked as such.

That the claimant was never discriminated nor his services dispensed with in violation of any provision of law. Rather his service was dispensed with after the specific job was carried out and work order therefore lapsed. The claimant cannot be equated with the workmen who are engaged by the management on muster roll or hand receipt and whose services are regularised as per the policy of the management. My attention was drawn to 1957-SCR Page 152, 1961(3) SCR Page 160, 1974(1) SCR Page 747 and 1955 SCR Page 1427 and AIR 1986, it has been held that there should be equal pay for equal work. He was the driver of the jeep so he should get pay of the driver. It has been held that if a workman is under the direction and control of the management and he received payment from the management, he should be deemed to be the employee of the management. It has been held that if the employer provided place of work for the person then he should be deemed to an employee. 1961(3) SCR, that if a person works at the place of the management and he is not at liberty to work at his house, then he should be deemed to be an employee and there should be contract of service. In case there is a contract of service, the workman should be deemed to be employed and in the present case, the workman applicant was a driver undoubtedly. He received payment from the management. He was under the watch and control of the management. He has been given several certificates of Muster-Roll employee, so he is not a contractor and the work order is smoke screen only to deprive the workman from regularisation. I have gone through the law cited by the workman. A thorough perusal of the citations of the Apex Court and Hon'ble High Court, it becomes apparent that the work order is a camouflage to deprive the workman of his due right.

The workman deserves to be regularised.

The award is replied thus :—

The Executive Engineer Electrical Construction Division No. 4 was not justified in not regularising the services of Shri Ram Singh, son of Shri Narain Ram as

driver and also terminating his services w.e.f. 1-11-1993. The action of the management is neither legal nor justified. The workman applicant deserves to be reinstated from 1-11-1993. Since he is a driver, he must be driving the vehicles so he is presumed to be in gainful employment so he is entitled to get only 20% back wages.

The award is given accordingly.

Dated :—05-05-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1314. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. टी. एन. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 72/93) को प्रकाशित करता है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-40012/89/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/93) of the Central Government Industrial Tribunal Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 14-5-04.

[No. L-40012/89/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

PRESIDING OFFICER: Shri R. N. Rai

I. D. No. 72/93

IN THE MATTER OF :

TRIBHUVAN YADAV

Versus

MTNL

AWARD

The Ministry of Labour by its letter No. L/40012/89/92/IR(DU) Central Government dt. 24-9-1993 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the Divisional Engineer, PCM, New Delhi was justified in terminating the services of Shri Tribhuvan Yadav, son of Shri Sarabjeet Yadav w.e.f. 1-7-1987? If not, what relief the workman concerned is entitled to?”

The claimant has filed statement of claim. It has been stated in his statement of claim that he served the management for more than 240 days. The order of termination was invalid. No notice of termination was given, no compensation was paid and the termination is against the principle of natural justice and denial of opportunity to the aggrieved workman to explain the circumstances as against him. He was employed as Casual Mazdoor with the Management w.e.f. November, 1985 and served the management till 30th June, 1987.

That the workman has done more than 240 day work. He fell ill and for that he has filed certificate and on consideration of which he was taken in regular employment on 11-3-1988.

The management has filed written statement. In their written statement, it has been stated that the workman has unnecessarily raised the frivolous dispute after entering into a settlement dated 19-4-1990. In the settlement dated 19-04-1990, the workman had unequivocally and voluntarily agreed to abide by the terms of the settlement. The workman is guilty of unilaterally terminating the settlement and involving the employer in unnecessary litigation.

The workman has filed rejoinder. In his rejoinder, it has been stated that after 5 days of settlement, he wrote letter that the settlement was malafide and it was to victimise him so he is not bound by the settlement which is against his interest.

Heard arguments from both the sides and perused the papers on the record. He has been relieved as per the order of the DGM. He has not worked for 240 days in one calendar year. However, before the Conciliation Officer an agreement was signed between the workman and the management. The settlement was reached at on 19-04-1990. From perusal of the paper dt. 19-04-1990, it is clear that Mr. Yadav has put his signatures and it has been stated that in the settlement that he will be given the compensation of retrenchment and whenever vacancy will arise, he will be taken into service on priority basis. The workman repudiated this settlement. The main question is whether he has right to repudiate the settlement or not. As per Section 18 of the ID Act, a settlement arrived at by

agreement between the employer and the workman otherwise than in the course of Conciliation shall be binding on the parties to the agreement. As such, the settlement is binding on him. After entering into settlement, he cannot go against it. The counsel for the management drew my attention to 1978 AIR SC 806 and 1971(2) LLJ 222, 1969 LIC 104 (supra), 1973(2) LLJ 307, AIR 1974 SC 2089, AIR 1989 SC 29. From the perusal of the citations of the management, it appears that the citations are not applicable in the present fact and circumstances of the case. The workman has entered into settlement and the settlement is binding according to the section 18 of the ID Act and he has been given cheque by way of compensation of retrenchment. The cheque is on record. It has been argued that the cheque was not sent in time. It has been written in the settlement deed that after calculating the compensation amount, it will be sent to the employee and it was sent on 1-1-1991 but the employee has already retracted and repudiated the settlement but he has put his signatures so it is binding on him. He did not receive the cheque.

The counsel for the workman submitted that according to the settlement, the cheque was not sent so he refused the cheque. He repudiated the settlement after 5 days of settlement so that that is not binding on him. He has repudiated the settlement after 5 days so it cannot be said that undue pressure was exercised on him. It was argued from the side of the workman that it is one of the conditions of the settlement that whenever there will be any vacancy, he will be given priority and many persons have been appointed but he has not been given priority and he has not been appointed.

The award is replied thus :—

The Divisional Engineer, PCM, New Delhi was not justified in terminating the services of Shri Tribhuvan Yadav, son of Shri Sarabjeet Yadav w.e.f. 1-7-1987 but since the workman has reached at settlement before the Conciliation Officer so it is binding on him. However, according to the terms of the settlement, he should be given re-employment as and when a vacancy arises. If it is not done so by the management, the workman will be entitled to the re-instatement w.e.f. 1-7-1987 with 50% back wages.

The award is given accordingly.

Dated : 29-04-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1315.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वाईल्ड लाईफ इन्स्टिट्यूट ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 52,

53; 54, 64/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/77 से 79, 99/93-आई. आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No: 52, 53, 54, 64/94) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Wildlife Institute of India and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/77 to 79, 99/93-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, NEW DELHI

PRESIDING OFFICER : SHRI B. N. PANDEY

I. D. No. 52/94

1. Shri Om Prakash Pun,
S/o Shri Basudeo Pun,
Naya Gaon, Nai Basti,
P.O. Anarwala—Dehradun
Cantt.-248 003

Workman

Versus

The Director,
Wildlife Institute of India,
Chanderbani,
Dehradun-248 006.

Management

And

I.D. No. 53/94

2. Shri Jitender Singh Rawat,
S/o Shri Jagat Singh Rawat,
53, New Colony,
Ballupur—Dehradun-248 001.

Workman

Versus

The Director,
Wildlife Institute of India,
Chanderbani,
Dehradun-248 006.

Management

And

I.D. No. 54/94

3. Shri Mukti Prasad Sharma,
S/o Shri Vishnu Prasad Sharma,
H.No. 150 Village Kaulagarh,
P.O. New Forest, Distt.
Dehradun-248 006.

Workman

Versus

The Director,
Wildlife Institute of India,
Chanderbani,
Dehradun-248 006.

Management

And

I.D. No. 64/94

4. Shri Hira Lal Sharma,
S/o Shri Panchhi Ram Sharma,
C/o Lala Mahadeo Prasad,
Dhartawala Panditwari—
Prem Nagar—Dehradun-248 007

Workman

Versus

The Director,
Wildlife Institute of India,
Chanderbani,
Dehradun-248 006

Management

AWARD

The above mentioned four cases are against the same Management/respondent and involve common question to be decided. Hence with the consent of the parties authorised representatives they were taken and heard together and are being disposed of by this common award which shall govern all of them. I.D. No. 52/94 is treated as the leading case.

2. In I.D. No. 52/94 the Central Government in the Ministry of Labour vide its Order No. L-42012/77/93-IR (DU) dated 13-4-94/8-5-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Wild Life Institute of India, Dehradun in terminating the services of Shri Om Prakash Pun, casual daily rated worker w.e.f. 30-4-87/9-5-88 is justified? If not, what relief is the workman concerned entitled to?"

And

In I.D. No. 53/94 the Central Government in the Ministry of Labour vide its Order No. L-42012/78/93-IR dated 13-4-94/5-5-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Wild Life Institute of India, Dehradun in terminating the services of Shri Jitendra Singh Rawat, casual daily rated worker w.e.f. 30-4-87 is justified? If not, what relief the workman concerned is entitled to?"

In I.D. No. 54/94 the Central Government in the Ministry of Labour vide its Order No. L-42012/99/93-I.R. (D.U.) dated 19-5-94/9-6-94 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Wild Life Institute of India, Dehradun in terminating the services of Shri Mukti Prasad Sharma, casual daily rated worker w.e.f. 30-4-87 is justified? If not, what relief is the workman concerned entitled to?"

And

In I.D. No. 64/94 the Central Government in the Ministry of Labour vide its Order No. L-42012/79/93-IR(DU) dated 19-4-94 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Wild Life Institute of India, Dehradun in terminating the services of Shri Hira Lal Sharma, casual daily rated worker w.e.f. 30-4-87/10-5-88 is justified? If not, what relief is the workman concerned entitled to?"

3. The workmen mentioned above filed their respective claim statements almost on the same grounds challenging their termination from service and praying for their re-instatement with full back wages and all other consequential benefits, alongwith payment of difference in wages on the ground of equal pay for equal work. The workman Shri Om Parkash Pun, Jitender Singh Rawat, Mukti Pd. Sharma and Hira Lal Sharma claimed that they were appointed substantively on the permanent and clear vacant post of Group 'D' under the management w.e.f. 18-12-85, 8-11-85, 8-11-85 and 5-12-85 respectively. It was further alleged that the management did not deliberately issued any letter of appointment to them and kept them on daily wages/casual daily labour thereby depriving them from their legitimate right of getting benefits of permanent regular employee. Their appointment was for indefinite period. They rendered miscellaneous duties of peon, watchman, office attendant, cook and bearer etc. during their employment and they were not allowed any weekly rest or holidays etc. that after completion of their one years continuous service they requested the management for their regularisation and payment of equal wages but with no fruitful result. Again when the management started activities for making fresh recruitments from outside, the workman requested the management during April, 1987 for their absorption but the management acted arbitrarily against the workman, recruited fresh hands in regular

appointment in April, 1987 and also terminated their services w.e.f. 30-4-87 (A.N.); that before retrenchment of the workman the management did not comply with the mandatory provisions of Section 25-F and G of the I.D. Act, 1947 and that even after termination of the services of the workman the management again recruited fresh hands from outside without complying with the mandatory provisions of Section 25-H and Rules 77 and 78 of the I.D. Act, 1947 and Central Rules 1957; that in any view of the case the termination/retrenchment of the workman is void ab initio; that the workman Om Parkash Pun claimed that he worked with the Management continuously from 18-12-85 to 30-4-87 and accordingly rendered total 503 days continuous service and had also completed more than 240 days in 12 consecutive months immediately preceding the date of his termination. Workman Jitender Singh Rawat and Mukti Pd. Sharma claimed that they had rendered total 539 days continuous service under the management w.e.f. 8-11-85 to 30-4-87 and also completed more than 240 days within 12 consecutive months before the date of their termination. Similarly workman Shri Hira Lal Sharma had rendered total 512 days continuous service under the management during 5-12-85 to 30-4-87 and had also completed more than 240 days regular service in 12 consecutive months soon before his retrenchment. Hence it is liable to be quashed and the workmen are entitled to be reinstated and regularised in their services and also for payment of back wages and other claims.

4. The claim of the workmen have been contested by the Management by way of filing separate written statements in their cases. In the written statement similar grounds have been taken against all the four workmen. However, it was admitted that they were engaged from the dates as claimed by them as a casual, daily labour and their engagement was reviewed and extended from time to time depending upon the exigencies of work. It was also alleged that the services of the workmen were dispensed with and it was not reviewed after 30-4-87 and that there was no need for giving any notice or payment of salary in lieu of notice or compensation etc.; that the termination of the workman does not amount to retrenchment as defined under Section 2(oo) of the I.D. Act, 1947. It was further alleged that the workman did not put in continuous service of one year during any particular year. Hence provisions of Section 25-F of the I.D. Act, 1947 were not applicable in the case. That the casual, daily rated employees are engaged subject to exigencies of work. They do not have any substantive claim; that at the time of appointment against substantive vacancy the applicants claimants had also applied and they were called in interview but the selection committee for interview did not find them fit and eligible. Hence other persons named by the workmen were selected by the selection committee against regular post. That the claim of the workmen is based on false representation of facts. Hence it deserves to be dismissed.

5. The workmen also filed their rejoinders to the written statements of the management/respondent reiterating their earlier versions.

6. In evidence both the parties filed photo copy of various documents genuineness of which have not been denied by the respondent. The workman also filed his own affidavit and was also cross-examined by the A/R of the respondent. The Management filed affidavit of Shri Ashutosh, Administrative Officer of the Institute, affidavit of Shri P. K. Aggarwal Administrative Officer of the opposite party institute, Shri S. S. Oberoi, Finance Officer of the opposite party institute and Shri R. S. Rana Internal Audit Officer out of which Shri P. K. Aggarwal only was cross-examined by the A/R of the workman and the other witnesses of the management did not appear to prove their affidavit and for cross-examination.

7. I have heard Id. Counsel/A.R. of both the sides and perused the file.

8. During arguments a preliminary objection was raised by the A/R of the opposite party management that the opposite party institute is not an industry as it is an autonomous institution under the Ministry of Environment and Forest, Government of India and the institute is registered under the Societies Registration Act, 1860 and its main objectives are specified in memorandum and Articles of Association which Trainings managers and biologists for Protected Area (PA), Management and wildlife Research, Training Education and Extension Specialists for PAs to gain public support for Wildlife Conservation, conducting and coordinating applied Wildlife research and evolving relevant techniques suited to Indian conditions. Providing Advisory and consultancy services to Central and State Governments, Universities, Research Institutions and other official and non official agencies; Providing orientation courses for those involved in land use management and creating a database for building of a wildlife information system employing modern and analytical techniques and computer equipments, Hence the provisions of I.D. Act does not and cannot be applied in the present case. Reliance was placed by the learned counsel on the case law of State of Gujarat Vs. Pratamsingh Parmar 2001 (89) FLR 323; and Physical Research Laboratory Vs. K. G. Sharma : 1997 (II) LLJ 625 of the Hon'ble Supreme Court. On the other hand the A/R of the workman vehemently opposed the contentions of the learned counsel of the Management by placing reliance on the case/decision of the Hon'ble Supreme Court in the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others 1979 SC page 539 wherein it was held that the absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint private or other sector. The 'Industry' as defined in Section 2(J) and explained in B. M. Banerjee Vs. P. D. Mukherjee 1954 (4) SCR 502 has a wide import, where

systematic activity, organised by cooperation between the employer and employee, for production (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious, but inclusive of material things or services geared to celestial bliss viz. making, on a large scale, of 'Prasad' or food) prima facie, there is an 'Industry' in that enterprise. It was further argued by the A/R of the workman that the management has concealed its income out of its activity of 'training' for which it recovers 'Training charges' from Post Graduate Diploma Trainees and from Certificates Trainees. Thus in view of the definition of 'Industry' as explained by the Apex Court in the above mentioned cases the activities of the Wild Life Institute/respondent fall within the ambit of the definition of the term 'Industry' under section 2(J) of the I.D. Act. In the Bangalore Water Supply case it was held :

"Does research involve collaboration between employer and employee? It does. The employer..... Even though a research institution may be separate entity disconnected from the many industries which funded the institute itself, it can be regarded as an organisation, propelled by systematic activity, modelled on cooperation between employer and employee and calculated to throw up discoveries and inventions and useful solutions which benefit individual industries and the nation in terms of goods and services and wealth. It follows that Research Institutes, albeit run without profit motive are 'Industry'."

I find that the case laws relied upon by the learned counsel for the management are not applicable in the instant cases as the facts are not identical. Thus the objection raised by the counsel of the Management for the first time during arguments is untenable and has no leg to stand upon. Accordingly the objection is rejected.

The next objection was raised on behalf of the management that in a suit for injunction filed by the workman, the Civil Judge, Delhi had rejected the application for injunction against the alleged termination, therefore, the present dispute is barred by res judicata. In this regard I do not agree with the arguments of the Id. counsel for the management because the Id. Munsif has no jurisdiction to decide an industrial dispute. If the injunction suit/application was rejected by a Civil Court, its order cannot be said to have effect of res judicata in respect of subsequently raised industrial dispute.

9. The learned counsel for the management also raised an objection that the present dispute/claim of the workman is also barred by limitation. It is admitted by the parties that in a reference of the dispute between the parties the U.P. Labour Court, Dehradun has given its finding in adjudicating case No. 338/1979 on 31-1-90 holding that

appropriate government in regard with Wild Life Institute of India is the Central Government. It is also admitted that the workman being aggrieved from the action of the management have been preferring their claim which was either found not maintainable or not within the jurisdiction of the State Labour Court. Therefore, there was no laches or deliberate delay on the part of the workman in raising the dispute. Apart from it there is also no period of limitation in industrial dispute cases. Accordingly I reject the objection of the A/R of the Management also on the point of Limitation. Now coming to the merit of the case regarding validity of the termination of the services of the workmen w.e.f. 30-4-87. I find that the management has repeatedly stated that the workman was engaged for specific term on contract employment and contract of the engagement was not renewed after 30-4-87 but the management has not filed on record any document in support of its contention. On the contrary MW1 Shri P. K. Aggarwal who has filed his affidavit as management's witness has deposed in his cross-examination that "by the term specific mean I mean specific nature of work and not specific period and by words "contract employment", I mean engagement of labour in absence of any vacancy of post for particular work only. On the other hand workman's contention is that they were appointed for the specific nature of work of Chowkidar for the particular work of chowkidar only. There is no any document on record signifying any stipulation in regard to workman's appointment which could be proved only by way of producing documentary evidence. In the case of Executive Engineer, C.P.W.D., Indore Vs. Madhukar Purshottam Kobarkar and another, 2000 (87) FLR 727" the Supreme Court has held that :

"Section 2(oo)(bb) proviso—Termination of services—of appellant a daily wager engaged on purely temporary basis—In the absence of any fixed term in the order of appointment—proviso to Section 2 (oo)(bb) is not applicable."

10. In the instant case admittedly the workmen were not engaged for any specific period. Therefore, their termination by the management w.e.f. 30-4-87 was nothing but retrenchment and in order to retrench an employee, if the workman had completed 240 days or more, the procedure prescribed under section 25-F of the I.D. Act has to be strictly complied with. A retrenchment without complying with section 25-F would be void ab initio. Such action would entitle the workmen to a declaration for continuation in service with all consequential benefits including back wages. Admittedly the present workmen had completed more than 240 days in a block of 12 consecutive months immediately proceeding the date of termination on 30-4-87. It is also an admitted fact that the management had not complied with the mandatory pre-requirements of Section 25-F prior to termination of

services of workman on 30-4-87. Therefore, the action of the management of respondents in terminating the services of workmen/claimants cannot be justified. It is absolutely illegal and against the provisions of law. Hence liable to be quashed and all the workmen claimants mentioned above are entitled to be reinstated with continuity in service and also get all consequential benefits. However, in the facts and circumstances of the cases they are also entitled to get back wages @30% only. They shall also be entitled to get the same scale of wages which their counter parts were getting in regular appointment as per rules, and also to be considered for regular appointments in accordance with rules whenever regular vacancy occurs. All workmen mentioned above shall be reinstated and paid the back wages by the management within two months from the date of publication of the award in the official gazette. Party shall bear their own costs.

11. A copy of this award shall be placed on the file of connected I.D. No. 53/94, 54/94, and 64/94 original being placed on the file of the leading case I.D. No. 52/94. Award is given accordingly.

Dated : 5-5-2004

B. N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल शुगर इंस्टिट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 74/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42011/18/91-आई. आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/92) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Sugar Institute and their workman, which was received by the Central Government on 14-5-04.

[No. L-42011/18/91-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NEW DELHI

PRESIDING OFFICER : SHRI B. N. PANDEY

I. D. No. 74/92

The Secretary,
National Shikari Sanstha Karamchari Sangh,
c/o National Sugar Institute, Kalyanpur,
Kanpur-208017. Workmen Union

Versus

The Director,
National Sugar Institute,
Kalyanpur, Kanpur-208017. Management/Respt.

AWARD

The Central Government in the Ministry of Labour vide its order No. L/42011/18/91/LR (DU) dated 4-8-92 read with corrigendum dated 7-8-92 has referred this industrial dispute to the Central Govt. Industrial Tribunal, New Delhi for adjudication :

"Whether the action of the Management of National Sugar Institute, Kanpur in not giving actual benefit of the revised scale of pay of Draftsman Gr. I, II and III w.e.f. 1-11-83 is justified and legal ? If not to what relief the workmen are entitled ?"

2. The workmen Union filed a claim statement challenging the validity of the action of the management of National Sugar Institute, Kanpur in not giving actual benefit of the revised scale of pay of Draftsman Grade I, II and III w.e.f. 1-11-83 and claiming grant of all the subsequent increments after 13-5-82 in accordance with the revised scales of pay allowing actual benefit thereof w.e.f. 1-11-83 to its present claimants-workmen. It is, inter alia alleged, that the Ministry of Finance, Govt. of India issued O.M. No. F. 5 (59)-Estt. 3/82 dated 13-3-84 under the hand and seal of Shri R.C. Puri, Dy. Secretary to the Govt. of India whereby the revision of pay scales of Draftsman Grade III, II and I in Offices/Departments of Govt. of India, in view of the Award which was enforced, implemented by pleasure and orders of the President of India. It was mentioned in the notification that "the President is now pleased to decide that the scales of pay of Draftsmen Grade III, II and I in Offices/departments of the Government of India other than the Central Public Works Department, may be revised as above provided their recruitment qualifications are similar to those prescribed in the case of draftsmen in C.P.W.D. Those who do not fulfil the above required qualifications will continue in the pre-revised scales. The benefit of this revision of scales of pay will be given notionally w.e.f. 13-5-82, the actual benefit being allowed w.e.f. 1-11-83; that the Management of National Sugar Institute did not

obey the orders of the President of India vide Ministry of Finance O.M. dated 13-3-84 and did not revise the scales of the pay of Draftsmen Gr. III, II and I; that after the recommendations of the Fourth Pay Commission were accepted by the Govt. of India the fitment of the pay of Draftsman was made on the basis of pre-revised scales of pay as mentioned in para 4 of the claim petition; that the Department of Personnel and Training of Government of India, New Delhi issued O.M. No. AB-14012/40/80-Estt. (RR) dated 25-3-87, thereby Model Recruitment Rules for various categories of Draftsmen were circulated. That the Ministry of Food & Civil Supplies, New Delhi vide G.S.R. No. 248 dated 27-3-89 made certain amendments in the Draftsmen Recruitment Rules for the National Sugar Institute, Kanpur which were published in the Gazette of India, Part II—Section 3—Sub-section (1) dated April 8, 1989 and thereafter the management of National Sugar Institute issued office order No. 38(1)/83 dated 8-9-1989 thereby revising the scales of pay of Draftsmen as mentioned in Annexure 'D' to the claim statement, that according to the benefits which was originally ordered to be given by the President of India vide Ministry of Finance O.M. dated 13-3-84 were allowed w.e.f. 8-4-79 although it was to be allowed w.e.f. 1-11-83; that the recruitment qualifications of Draftsmen Grade III, II and I employed in National Sugar Institute, Kanpur at the relevant time were similar to those prescribed in CPWD. Hence the draftsmen employed in National Sugar Institute are entitled to get same benefits w.e.f. 1-11-83; the Management of National Sugar Institute, Kanpur did not allow the revised scales of pay to the workmen. Hence this dispute.

3. The claim of the workmen-union has been contested by the Management. In its written statement it has been inter alia alleged that fulfilment of the required qualifications was a condition precedent to revision of pay scale of draftsman. As the recruitment qualifications of Draftsman Grade III, II and I National Sugar Institute Kanpur were not similar to those prescribed in the case of Draftsmen in CPWD, they were to continue in the pre-revised scales as provided in the Ministry of Finance O.M. dated 13-3-84. In fact the draftsmen of the various categories of this institute were representing to the Govt. for grant of higher pay scales to them to make it at par with the pay scales given by CPWD which was rejected by the Ministry of Food and Civil Supplies vide order dated 26-8-87. However, ultimately the Govt. agreed to revise pay scales of draftsmen after recruitment rules for those posts were changed considering job recruitments to the duties to the post of Draftsman. Accordingly office order No. Estt./38(1)/83 dated 8-9-90 was issued revising pay scales of Draftsmen Gr. I, II and III w.e.f. 8-4-89 that the amendment in recruitment rules was effected vide Government Notification No. 27-3-89 notified in the Gazette dated 8-4-89 and accordingly the revision of pay scale was given effect to w.e.f. 8-4-89; that the action of the

Management of Institute cannot be termed to be illegal and unjustified; that the workmen are not entitled to get revision of scale of pay w.e.f. 1-11-83; the revised scales were rightly and correctly allowed to them w.e.f. 8-4-89. Hence the claim is liable to be rejected.

4. Rejoinder was also filed by the Union on behalf of its workmen concerned denying the contents of the management written statement and reiterating their earlier versions.

5. Both the parties filed various documentary evidence in support of their claim and also affidavits of Shri Gian Prakash Gupta, Research Assistant on behalf of the Union and Shri P. P. Guha, Chief Administrative and Finance Officer on behalf of the Management. Both of them were cross-examined.

6. I have heard arguments of both the sides and also perused the file.

7. During the course of arguments, preliminary objections raised on behalf of the Management in its W.S. were not pressed by its A.R. Besides, various case laws were also shown to me and also filed on record by the A/R of the Union of workmen to prove that the National Sugar Institute is an Institute of research in the field of Sugar and the Hon'ble Supreme Court has held in numerous cases that the research institutes are 'Industry' between the Ambit and Scope of I.D. Act. Therefore, the objections raised in the written statement of the opposite parties are not tenable and I hold that the National Sugar Institute, Kanpur is an 'Industry' within the meaning of I.D. Act and this Tribunal has full jurisdiction to decide this dispute.

8. The notification dated 6-4-84 of Ministry of Food and Civil Supplies, Government of India, it was notified that a committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the Staff Side that the following revised scale of pay allowed to the Draftsmen Gr. I, II and III working in CPWD on the basis of the award of Board of Arbitration may be extended to Draftsmen Grade III, II and I in all Government of India Offices. A copy of the notification dated 11-8-87 of Ministry of Food and Civil Supplies, Government of India is placed on the record which is in respect of Revision of Pay scales of Draftsmen at National Sugar Institute, Kanpur shows that the qualifications prescribed for the Draftsmen Grade III, II and Ist of National Sugar Corporation, Kanpur almost same and similar to the qualifications in recruitment rules at C.P.W.D. for Draftsmen Grade III and the post of Draftsmen Gr. II and Ist of CPWD are to be filled in by 100% promotion from the Draftsmen

Grade II and III. The recruitment rules of draftsman, National Sugar Institute Kanpur, 1984 was amended through Amendment Rules 1989 published in the Gazette of India dated 11-8-89. It is admitted fact that a Diploma in Draftsmanship and a certificate in draftsmanship is at par with each other. It is also important to note that the opposite party has not raised any objection in regard to recruitment qualifications of draftsman at National Sugar Institute and in CPWD. Therefore, there seems to be no reason to deny the benefits of O.M. dated 13-3-84 to the present claimants draftsmen of National Sugar Institute, Kanpur. The qualifications in recruitment rules at National Sugar Institute Kanpur were similar to that of qualifications in recruitment rules at C.P.W.D. since before and the recruitment rules of National Sugar Institute was also amended in 1989 on the basis of the regular and repeated demands of the workmen of National Sugar Institute claiming their parity in scale of pay to those of C.P.W.D. Draftsman. It was also admitted by the A/R of the Management during the course of arguments before me that the qualifications were similar since before but it was modified and clarified subsequently by the amended Rules. Hence the benefit of equal pay was given to the present claimants w.e.f. 8-9-89. It was also admitted that the recruitment rules were amended only to make the same benefits available, which were available to the Draftsman of CPWD and other Central Government Departments, to the Draftsman of National Sugar Institute. In a similar case of Union of India and others Vs. Debashish Kar and others reported in 1996 Lab. I.C. page 604 the Hon'ble Apex Court held that the Revision of pay scales—Draftsman employed in Ordnance Factories and works of E.M.E. in the Ministry of Defence—are entitled to benefit of revision of Pay Scale on basis of O.M. dated 13-3-84—recruitment qualification for draftsman in Ordnance Factories and those in C.P.W.D. were not dissimilar. Accordingly I also find that the recruitment qualifications for draftsman in National Sugar Institute, Kanpur were similar to that in CPWD. Hence the workmen-claimants are also entitled to get the same benefit of revision of pay scale from the very beginning which were allowed to draftsman of other Central Government.

9. In view of the above discussions I find that the action of the Management of National Sugar Institute, Kanpur in not giving actual benefit of the revised scale of pay of Draftsman Gr. I, II and III w.e.f. 1-11-83 is not justified. Hence it is illegal and liable to be quashed. Hence the claimants-workmen through its Union were also entitled to get the revised scales of pay and other actual benefits w.e.f. 1-11-83 with all other consequential benefits. In the circumstances of the case parties shall bear their own costs. Award is given accordingly.

Dated : 5-5-2004

B. N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. अ. 1317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साइंटिस्ट इंचार्ज ऑपरेशनल रिसर्च प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 4/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/169/93-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/95) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Scientist Incharge Operational Research Project and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/169/93-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 4/95

1. Shri Lihu Singh
S/o Shri Amar Singh
R/o Vill. & P.O. Sultanpur,
Tehsil & Distt. Gurgaon (Haryana)
2. Shri Sher Singh
S/o Shri Raghuvir Singh
Vill. & P.O. Jhanjrela Khera,
Tehsil & Distt. Gurgaon
(Haryana)

Claimant/Workmen

Versus

1. The Scientist Incharge
Operational Research Project,
Sultanpur,
Tehsil & Distt. Gurgaon
2. The Secretary,
Union of India,
Ministry/Deptt. of Agriculture & Irrigation,
Krishi Bhawan,
New Delhi.

Management/Respondents

AWARD

The Govt. of India, Ministry of Labour, vide its order No. L-42012/169/93-IR(DU) dated 2/8-12-94 read with corrigendum dated 8-2-95 has referred the following dispute to this Tribunal-cum-Labour Court for adjudication :

"Whether the action of the management of Scientist Incharge Operational Research Project (Fisheries) Sultanpur, Distt. Gurgaon in terminating the services of Sh. Sher Singh and Sh. Lihu Singh ex-labourers w.e.f. 20-3-89 is proper, legal and justified? If not, to what relief the workmen are entitled to?"

2. The workmen Lihu Singh and Sher Singh filed their separate claim statement alleging almost the same facts, grievances and challenging the termination order dated 20-3-89 of the management terminating their services and praying for their reinstatement with continuity of their services and full back wages. They alleged that they were working with the management w.e.f. 25-11-86 as labourer and they were drawing salary of Rs. 550 per month. Their work and conduct was satisfactory and they never gave any chance to the management of any of the wrongs : that the management without payment retrenchment compensation, notice pay and other dues in accordance with law terminated their services w.e.f. 20-3-89. The management neither conducted any domestic inquiry nor gave any opportunity for being heard. On raising industrial dispute before the Labour-cum-Conciliation Officer, Gurgaon, which was wrongly referred by the Govt. of Haryana to Labour Court, Faridabad. Although the appropriate Government was the Central Government. Therefore, the demand notice was withdrawn from the Labour Court, Faridabad before leading any evidence : that a civil suit in the Court of Sub-judge First Class, Gurgaon was also filed by the workmen in which the management took the plea of jurisdiction on the ground that the management is covered under the definition of industry, hence only the Labour court has got the jurisdiction to decide the dispute. No evidence was laid even before the Civil Judge, Gurgaon which also held that the matter can only be decided by the Labour Court : that the workmen had completed more than 240 days of their service in 12 calendar months. Therefore, their termination without complying the provisions of law and principles of natural justice their termination from service is absolutely illegal, malafidely and arbitrarily : that the management has also appointed S/Shri Gyan Chand, Gyani and Lavesh on the same post on which the workmen were working and the said juniors are still working.

3. The claims of the workmen has been contested by the management by way of filing written statement. In the written statement, it was *inter alia* alleged that the Central Institute of Fisheries Education, Bombay, hereinafter called as CIFE is one of the Institutes of Indian Council of Agricultural Research, New Delhi popularly known as ICAR. ICAR is a Society registered under the Societies Act : that in the year 1985-86 a project known as Operation Research Project (ORP) was set up by the CIFE in collaboration with the State of Haryana at Distt. Gurgaon, for the purpose of utilisation of saline, soil, using ground

saline water. The duration of this project was initially for three years which was extended for two years and further extended for another 1½ years. As such, the project came to an end on 31-7-92. The entire infrastructure of the said project belong to the State of Haryana. The workmen were appointed as casual labour in March 1987 purely on temporary and contract basis. An Office Order dated 2-4-88 was issued wherein it was specifically mentioned that the post is purely temporary and other conditions of service were detailed therein : that the workmen left the job on their own volition w.e.f. 19-3-89 & 17-1-89. A demand notice dated 17-4-89 was also issued by the workmen in which the reinstatement with back wages was demanded. The appointment of the workmen was purely on contract basis. However, the assertions made in the claim statements of the workmen were denied. It was also denied that the action of the management is unfair labour practice. It was further alleged that the workmen were directed to appear before a Selection Board on 14-3-91 alongwith other candidates for their re-engagement but they did not respond. The workmen are not entitled to retrenchment compensation and notice pay as alleged. It was admitted that S/Shri Gyan Chand and Gyani Ram were earlier working in the scheme of CIFE, Dumdum, which was also in collaboration with the State of Haryana and which scheme has not since been wound up : that Sh. Lavesha was engaged subsequently on casual/contractual basis : that the dispute raised by the workmen is divided on merit and deserves to be dismissed with costs.

4. The workmen also filed rejoinder against the written statement of the management denying with contents of the written statements reiterating any other earlier versions made in the claim statements.

5. Both the parties adduced documentary as well as oral evidence in support of their case. WW.1 Sh. Lili Singh workmen and Sh. Sher Singh also filed their affidavit and Lili Singh was also cross-examined. On the other hand, MW.1 Shri N.K. Chadha Scientist Incharge also filed his affidavit on behalf of the management who was also cross-examined by the other side.

6. I have heard learned counsel for both the side and also perused the file. In the documentary evidence the management has itself filed a copy of the letter dated 28-6-88 sent by Shri M.L. Rustagi to Dr. V.R.P. Singh, Director, Central Institute of Fisheries Education, Bombay for regularisation of contract labours working in ORP wherein it has been mentioned that the workmen S/Shri Sher Singh and Lili Singh alongwith four others were working as contract labour against the post of Fisherman and that their posts were also sanctioned under ORP Scheme since its inception and against those posts five persons including the two workmen were working at Sultanpur and one at Dumdum. It was further mentioned that most of these incumbents including the two workmen have worked more than 240 days continuous service and are eligible for appointment on regular basis as per rules in existence and that they were also found medically fit. It was further alleged that in view of the facts mentioned in

the letter, Director may like to include their names in the seniority list and interviewed them through a duly constituted Board at the earliest. This letter dated 28-6-88 goes to show that the workmen had already worked there than 240 days continuous service till 28-6-88. The workmen have specifically alleged that they were appointed on 25-11-86 on the other hand no specific date of initial appointment of the workmen was given by the management. In his cross-examination MW.1 Sh. N.K. Chadha, Scientist Incharge of the management stated that it is incorrect that the date of appointment of the workmen is 25-11-86. According to him, appointment letter was issued inception appointment of the workmen from March 1987, but no appointment letter for 1987 had admittedly produced. However, it has admitted that their salary was Rs. 550 per month. He has also admitted that Gyani, Gyan Chand and Lavesha who were appointed after the appointment or workmen have been still working. MW.1 has also admitted that the entire remaining staff is still functioning at Rohtak, but the project was completed earlier. He has also admitted that no notice pay or retrenchment compensation was given to the workmen. Para-5 of his affidavit Sh. N.K. Chadha has deposed that vide a letter dt. 14-3-91, the workmen were directed to appear for interview on 25-3-91 for appointment to the post of Fisherman which they did not attend.

7. From the above evidence it is clearly established that the workmen had already been working continuously since the date of their appointment. They had also completed more than 240 days of their continuous working at the time of their retrenchment/termination. They were also called for interview for their regular appointment for which notice dated 5-3-91 was issued by the management. This fact itself goes to show that the work of the management was not wound up. The remaining staff was still working. It also goes to show that the management was engaging labourers and taking their services in various projects. Therefore, even if work of certain particular project was completed, it does not mean that the entire business of the industry came to an end. Admittedly the industry/business of the management/respondent is still working. Juniors to the present workmen are also working. Admittedly certain fresh appointments were made even after termination/retrenchment of the workmen. Admittedly no compliance of the provisions of Sec. 25F of the I.D. Act 1947 was made. If as alleged by the management the workmen had left their services at their own accord that is why no notice for joining the service was given to them by the management and further why they were called for to appear in the interview on 14-3-91 for their regular appointment. Therefore, the allegations of the management that the workmen themselves had left the service can not be believed and accepted.

8. After considering the entire facts of the case and evidence on record, I find that the action of the management against both the workmen was absolutely arbitrary and against the provisions of law. It was improper and illegal. Hence it cannot be justified. I am of the view that the termination of both the workmen from their services by the

management/respondent being absolutely illegal and unjustified, hence it deserves to be quashed and the workmen are entitled to be reinstated in service with continuity and all other consequential benefits alongwith 25% only of the back wages in circumstances of the case. Under circumstances of the case, they are also entitled to get the same salary with other allowances equal to other employees working in the same category of work on the basis of equal pay for equal work.

Parties shall bear their own costs. Award is given accordingly.

Dated: 30-04-2004 B.N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबंधन के संबंध में निर्विवाद और उनके कर्मचारों के बीच, अनुबंध में निर्विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 102/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/110/94-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 102/94) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/110/94-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT : NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 102/94

1. Shri Satya Pal
House No. 120, Bhalsawa
Delhi-42 ... Workman.

Versus

2. Dy Director (Hort). CPWD-II
13th Floor, MSO Building,
(Police Headquarters)
Near I.T.O., New Delhi. ... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. 42012/110/94-IR(DU) dated 30-9-94 read

with corrigendum dated 13-11-97 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Dy. Director (Horticulture) CPWD, H.D. II, New Delhi in terminating the services of Shri Satyapal S/o Shri Balbir Singh w.e.f. 17-9-93 is proper, legal, justified ? If not, to what relief the concerned workman is entitled to ?"

2. The claim of the workman as alleged in his statement of claim that he was initially engaged as Motor Lorry Driver (MLD) on daily-wages basis on "Work Order" @ Rs. 40.00 per day w.e.f. 30-8-90 and worked continuously upto 16-9-1993 and his services were terminated w.e.f. 13-9-93 without notice or notice pay and compensation etc.; that the workman was driving the water tanker No. DIG-373 upto 16-9-93 of CPWD.

3. The claim of the workman has been contested by the management; the main stand of the management is that due to shortage of Driver in the Division, the work of driving water tanker was being done by the private contractors/parties on contract basis through issue of Work Order in their favour from time to time and as per requirement of principal sites. It is further alleged that since there was no sanctioned post for this job from the Government, therefore, the management was compelled to adopt this procedure and accordingly, the Work Orders as listed in the enclosed statement were issued in favour of workman from time to time for the purpose of driving the water tanker as per the requirement; that the management totally denied the relationship of the employees between the parties and the workman was never employed as regular employee in the Division nor his services were terminated at any point of time by the management.

4. The workmen also filed his rejoinder reiterating his earlier version and denied the contents of written statement of the management.

5. The workman filed his own affidavit and on the other hand, the management also filed affidavit of Shri Dhan Singh, Dy Director (Horticulture) CPWD.

6. In cross-examination MW-1 Shri Dhan Singh admitted that the workman had been driving the vehicle till 1993 and also relied upon their evidence as per Director (Admn.) Office Order No. 34-17/93-ED.X dated 18-8-93 and according to that order the services of the workman were terminated w.e.f. 13-9-93. Copy of the order dated 18-8-93 was also filed by the workman alongwith statement of claim at page-31; the workman Shri Satya Pal also filed his affidavit in which he has taken the stand that he was performing his duty on daily-wages basis and driving the water tanker of the management and at the time of termination, no compensation, notice or notice pay was served to him. He completed more than 240 days in each of the years. He has also taken the stand that his attendance were marked in attendance register directly by the concerned officer and his juniors S/Shri Balram Singh and Chandveer were retained in service; that as per the document, the

order issued by the Director (Admn.) CPWD dated 18-8-93 which proves that the Work Order employee is also daily-rated worker and according to that order only those daily-rated workers including Work Order were terminated who have not completed 240 days of service in two consecutive years.

7. I heard the arguments of learned counsel of both the parties and also considered their submissions and perused the file.

8. At the very outset, it is to be mentioned that the workman completed more than 240 days in all the three years and worked directly under the control and supervision of Dy. Director (Horticulture) and other officers of the said Division and his services were terminated without any notice or notice pay, compensation etc. as required under the provisions of Sec. 25-F of the I.D. Act 1947. In this regard, the management itself filed various documents which go to show that the workman was employed with the management and working as a Motor Lorry Driver on "Work Order" and the payments were made directly to Shri Satya Pal workman by the officers of CPWD.

9. From the evidence on record, I find that the workman worked continuously w.e.f. 20-8-90 to 16-9-93 in the direct control of Dy. Director (Horticulture) and other concerned officers of the Department of CPWD which go to more than 240 days in every year and admittedly prior to termination of his services, no notice, or notice pay and payments of compensation was given to him. It clearly goes to show that the services were terminated in clear violation of Sec. 25-F of the I.D. Act. Therefore, the action of the management in terminating the services of the workman Shri Satya Pal cannot be justified. It was improper and illegal and deserves to be quashed and the workman deserves to be reinstated in the same capacity in which he was working at the time of his termination with only 40% of back wages to him as per rules with all other consequential benefits. The award deserves to be implemented by the management within two months from the date of publication of this award in the official Gazette.

Dated : 30-04-2004 B.N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 66/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/172/94-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 66/95) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/172/94-IR (DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT : NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 66/95

Shri Veer Bahadur
C/o CPWD Mazdoor Union,
E-26, (Old Qtrs.) Raja Bazar,
Baba Kharak Singh Marg,
New Delhi ... Workman.

Versus

M/s. Chief Engineer,
national Security Guard Project,
CPWD, 'B' Block
Curzon Road Baracks,
New Delhi. ... Management

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-42012/172/94-IR(DU) dated 24/25-5-95 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of CPWD national Security Guard Project in terminating the services of Shri Veer Bahadur, Motor Lorry Driver w.e.f. 31-7-1993 is proper, legal and justified ? If not, to what relief the workman concerned is entitled to ?"

2. The claim of the workman as alleged in his statement of claim that he was initially engaged as Motor Lorry Driver (MLD) on Hand Receipt w.e.f. 26-8-87 and worked continuously upto 30-7-1993 and he had been getting the wages in the minimum of time scale of Rs. 950-1500 with all allowances except increments; that the workman was attached to Superintending Engineer (Elect.), Electrical Circle, National Security Guard Project, CPWD, New Delhi; that the workman was very laborious and hard working during his employment; that the Superintending Engineer (Elect.), Electrical Circle, CPWD, New Delhi, suddenly discontinued the services of workman on 31-7-93 without any chargesheet; that before discontinuation of the services of the workman, management did not serve one month's notice or one month's pay in lieu of notice and compensation; that during the conciliation the management informed that the services of the workman terminated due to his involvement in eve-teasing offence and the workman

confessed his guilt before Metropolitan Magistrate who had only cautioned and admonished by the order dated 24-7-93 and the said order is annexed as Annexure-A with the statement of claim. That admonishing by the Hon'ble Magistrate is not a conviction and not termed as moral turpitude; that a warning is not a misconduct to terminate the services of the workman without holding proper inquiry and deciding the quantum of punishment by the management so the action of the management is violative of the principle of natural justice; that many junior Motor Lorry Drivers were retained and still working with the management; that the action of the management of National Security Guard Project, CPWD, in terminating the services of Shri Veer Bahadur, MLD, w.e.f. 31-7-93 is not proper, legal or justified. The workman has prayed for reinstatement with full back wages, continuity in service along with all consequential benefits.

3. The claims of the workman has been contested by the management. The appointment of workman as MLD on hand receipt w.e.f. 26-8-87 has been, as claimed by the workman, admitted.

4. The management also contended that the C.C.S. Conduct Rules 1965 is not applicable on the workman and the workman was involved in the act of eve-teasing offence for which he was challaned before the learned Metropolitan Magistrate, New Delhi where he confessed his guilt and according to the management the involvement of workman in such a serious offence was unbecoming of Government employees in whatever capacity and it amounted to moral turpitude/misconduct. The management further stated that since the Competent Authority based his decision on the basis of judicial proceedings/details report, it was not necessary on the part of the management to further charge-sheet the workman and conduct separate inquiry; that the management has prayed for dismissing the claim of workman.

5. The workman also filed his rejoinder reiterating earlier versions and denied the contents of written statement of the management.

6. The workman filed his own affidavit and on the other hand the management also filed affidavit of one Shri R.A. Singhal, Executive Engineer (Elect.), National Security Guard Project, Electrical Division-I, CPWD.

7. I heard the arguments of learned representatives of both the parties and also perused the file. Admitted the workman was engaged on 26-8-87 and worked continuously upto 30-7-93 and his services were terminated without any notice, notice pay or compensation as required u/s 25-F of the I.D. Act. It is also admitted that no inquiry was conducted on the charge of misconduct. As regards the stand of the management that the workman was involved in eve-teasing offence as per D.O. 7A dated 23-7-93 u/s 91/97, Delhi Police Act that the Hon'ble Metropolitan Magistrate on 24-7-93 admonished the act of the workman. It is also proved by the evidence of the management who also filed the order of the Learned Metropolitan Magistrate which proves that the act of the workman was only

admonished u/s 91 of Delhi Police Act, 1978 for behaving indecently in public and against that penalty is provided u/s 97 of the said Act, which is as under:

"97. Penalties for offence under sections 80 to 96.— Any person who contravenes any of the provisions of section 80 and 96 (both inclusive) shall, on conviction, be punished with fine which may extend to one hundred rupees, or, in default of payment such fine, with imprisonment for a term not exceeding eight days."

8. It is also proved that the learned Metropolitan Magistrate did not convict because the admonition is not the punishment for offence u/s 91 of the said Act. In Pawan Kumar Appellant *versus* State of Haryana and another respondents reported in (1996) 4 Supreme Court Cases 17 it was held by the Hon'ble Supreme Court that conviction of the appellant u/s 294 IPC per se would not establish moral turpitude unless the tests laid down in the police decision are satisfied. Need for making provision that punishment of fine up to a certain limit, say up to Rs. 2,000 or so, on a summary/ordinary conviction shall not be treated as conviction at all for any purpose, especially entering Govt. Service. In this case, the similar Section i.e. Section 91 of Delhi Police Act which provides only conviction for fine up to Rs. 100 or in default of payment of such fine with imprisonment for a term not extended to 8 days, but in this case, the learned Metropolitan Magistrate did not punish the workman and only admonished him for his act. Therefore, he required protection of provision of Sec. 25-F of I.D. Act 1947. The termination on the ground of admonition by the learned Metropolitan Magistrate is illegal as it cannot be treated as conviction at all for any purpose especially for Govt. job and is also against the provision of Sec. 25-F of I.D. Act as the management did not serve notice or one month's pay in lieu of notice or compensation was given before his termination/retrenchment from his service. It is clearly proved that the services were terminated in clear violation of Sec. 25-F of I.D. Act. Therefore, the action of the management in terminating the services of the workman Shri Veer Bahadur cannot be justified. It was improper and illegal and deserves to be quashed.

9. The workman has admitted in his cross-examination that after termination he has been doing agriculture works with his father, therefore I am of the view that he is entitled to only 40% of his back wages. Therefore, I hold that the action of the management in the instant case in terminating the services of the workman Shri Veer Bahadur w.e.f. 31-7-93 was absolutely illegal and unjustified and is liable to be quashed and the workman is entitled to reinstatement in service with 40% of back wages w.e.f. 31-7-93 and all consequential benefits within a period of 90 days after the publication of the award.

Parties shall bear their own costs. The terms of reference is answered and award is given accordingly.

Dated: 06-05-2004 B.N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 30/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/41/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/93) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/41/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 30/93

Shri Jagminder Singh,
S/o Shri Surta Ram,
H.No. 820, Type-I,
HN-IV, Faridabad,
(Haryana)-121001 ... Workman.

Versus

M/s Executive Engineer,
Faridabad Central Division No. 1,
CPWD,
Faridabad -121001 ... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. 42012/41/92-IR(DU) dated 22-3-93 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of CPWD, Faridabad, Central Division-I, Faridabad in terminating the service of Shri Jagminder Singh w.e.f. 9-8-83 is justified? If not, what relief he is entitled to?"

2. The claim of the workman as alleged in his Statement of Claim is that he was initially engaged as Beldar on muster roll on 27-5-81 and worked continuously upto 8-8-83 and his services were terminated w.e.f. 9-8-83 : that the workman was initially paid the minimum wages as fixed under the Minimum Wages Act 1948 from time to time by the appropriate Government and after the implementation of judgement of Hon'ble Supreme Court dated 17-1-86 in the matter of Surinder

Singh & Others Vs. Engineer-in-chief, CPWD, he was paid difference of arrears of equal pay for equal work in the time scale of Rs. 196—232 with all allowances : that the mother of workman was suffering from Paralysis and due to this disease his mother lost her right eye sight and he had written the concerned Junior Engineer for taking permission to grant leave to look after his mother, but he refused to grant written permission on the ground that the muster roll workers are not eligible for any kind of leave, etc.; that after 1½ months the workman reported on 23-9-83 to the concerned Junior Engineer for resuming his duty but he refused to take him on muster roll that his services were terminated w.e.f. 9-8-83 and in his some other workers were recruited : that the workman was also submitted photo copy of medical certificate of his mother's illness/treatment. Copy of the medical certificate is enclosed with the Statement of Claim as Annexure-A : that he had also taken up his case for reinstatement and the photo copies of the management's letters etc. were also enclosed as Annexure-B, C & D with the Statement of Claim : that after terminating the service of the workman, the management had also recruited new hands like Shri Mahender Singh, Visa Ram and Khem Singh on the post of Beldar and the workman also alleged that all three persons are relatives to Shri D.R. Rawat, concerned Junior Engineer; that the workman further alleged that before terminating his services, no notice was served to him and termination of the service w.e.f. 9-8-83 is arbitrary, illegal and unjustified; that the workman had not abandoned his job, but he remained absent on compulsion due to illness of his mother and terminating the service of workman with retrospective date i.e. 9-8-83 is also wrongful, illegal and unjustified; that the management did not serve notice or notice pay or compensation etc. in accordance with the provision of Section 25F of the Industrial Dispute Act and on this ground also, the termination of workman is illegal and unjustified. Hence this reference. The workman has prayed for quashing the order of termination dated 9-8-83 with full back wages, seniority and all other consequential benefits.

3. The claim of the workman has been contested by the management. The appointment of workman on daily wages basis as Beldar on muster roll w.e.f. 8-8-83 has been, as claimed by the workman, admitted. It was further alleged that the case of the workman is not governed by the I.D. Act 1947 and as such the provision of said Act be not attracted. It was further alleged by the management that the workman abandoned his job of his own accord and free will and he is not entitled for any protection as he was employed on muster roll as casual/daily wagger on daily wages basis having on lien or right on the post as the same was a temporary nature; that he is not entitled to reinstatement and back wages etc. However, it has been admitted that due to absolute ban was imposed on recruitment of workers on muster roll w.e.f. 19-11-85, instruction issued by the Director General (Works) CPWD so he cannot be employed on the said post.

4. The workman also filed his rejoinder reiterating his earlier versions and denied the contents of written statement.

5. The workman filed his own affidavit and on the other hand, the management also filed affidavit of one Shri J.K. Singhal, Executive Engineer, CPWD.

6. I heard arguments of the learned Representatives of both the parties and also perused the file. Admittedly the workman was engaged on 27-5-81 and worked continuously upto 8-8-83 and his services were terminated w.e.f. 9-8-83 without any notice etc. Thus, it is admitted and also proved beyond all doubts that the workman completed and worked for more than 240 days in service. Therefore, he required protection of provisions of Section 25-F of I.D. Act 1947. Admittedly no notice, notice pay or compensation was given before his termination/retranchment from his services which was clear violation of provisions of Section 25-F of I.D. Act. As regards the stand of the management that the workman abandoned his job is not enough to accept the contention of the management as the management witness himself accepted in his cross examination that no inquiry was conducted regarding the absence of the workmen from duty. In *Madhubananda Jena & Orissa State Electricity Board and others* reported in 1990-I-LLJ-463, it was held that without holding the inquiry or issuing show cause notice it cannot be treated as abandonment of employment and striking off name of workman from muster roll would amount to retranchment. In another case i.e. in *M.C.D. Appellant V. Praveen Kumar Jain and others*, reported in 1999 LAB, I.C. 619 at page 621, it was held by the Hon'ble Supreme Court that the discharge from service of a casual worker on account of misconduct without enquiry is invalid and further held that if it was discharged simpliciter of a casual labour without compliance of Section 25-F, so the retranchment is illegal and the workman is entitled to be reinstated. Therefore, it cannot be accepted as alleged by the management that the workman abandoned his service, I find and hold that the termination/retranchment of the workman in the instant case was absolutely illegal and is violation of the provision of Section 25-F of the I.D. Act. Therefore, the retranchment/termination of workman cannot be legally and be sustained. As such, it is liable to be quashed and is hereby quashed. The workman deserves to be reinstated in service in the same capacity in which he was working at the time of his termination with full back wages as admissible to him as per rule. However, in the facts and circumstances of the case that the workman has raised the dispute after elapse of more than nine years, so I feel it is not just and proper to grant him full back wages. I feel that payment of 25% of back wages to him coupled with his reinstatement will meet the ends of justice. The award shall to be implemented by the management within two months from the date of its publication in the official Gazette.

The reference is answered and award is given accordingly.

Dated : 06-05-2004 B.N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. अ. 1321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

नई दिल्ली के पंचाट (संदर्भ संख्या 42/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/168/89-डी. 2 (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1321.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No: 42/90) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/168/89-D-2 (B)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER: Shri B.N. Pandey

I.D. No. 42/90

1. Shri Lallan Prasad
As represented by: CPWD Mazdoor Union,
E-26, (Old Qtrs.) Raja Bazar,
Baba Khark Singh Marg,
New Delhi Workman

Versus

2. M/s Executive Engineer,
Faridabad Central Division No. 1,
CPWD, Faridabad-121001 Management

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-42012/168/89-D-2(B) dated 13-5-90 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management Executive Engineer, Construction Division-VI, CPWD, I.P. Bhawan, New Delhi terminating the services of Shri Lallan Prasad, Fitter, w.e.f. 21-1-89 was justified? If not, to what relief the workman is entitled to?"

2. The claim of the workman as alleged in his statement of claim is that he was initially engaged on 15-5-85 as Fitter as skilled artisan and worked continuously upto the date of termination i.e. 21-1-89 by the order No. 5/4/89-CD-VI/6 dated 20-1-89 issued by Shri R.K. Jain, Executive Engineer, Construction Division-VI, CPWD, New Delhi; that it was also alleged that Shri Lallan Prasad workman was elected as delegate of the Union. On this account, he was victimized and his services were terminated; that it is further alleged that the appointing authority of skilled artisan i.e. Plumber (Fitter) in CPWD is Superintending Engineer and he appointed a two member committee to inquire the allegation of misbehavior with Shri N.K. Gupta, Junior Engineer (Civil) on 19-11-88; that during the proposed joint inquiry on 22-12-88 the Executive Engineer, Construction Division-VI

did not provide co-worker to the workman to defend his case in the so-called inquiry and there has been violation of principle of natural justice on all counts as the workman has been terminated by the order dated 20-1-89 by the subordinate authority to the appointing authority with immediate effect i.e. 21-1-89 which is an unfair labour practice; that the workman had completed much more than 240 days of service as on 20-1-89 but since he has been terminated for alleged misconduct and in violation of principle of natural justice and despite repeated requests by the workman as well as CPWD Mazdoor Union, he has not been reinstated; that Shri Lallan Prasad has also qualified the trade test for his absorption from muster roll to work charged establishment and his name was appearing at S.No. 84 in the O.M. dated 2-5-89 of Superintending Engineer, Electrical Coordination Circle, CPWD, New Delhi. Hence this reference. The workman has prayed for quashing the order of the management dated 20-1-89 and reinstatement with full back wages, continuity in service and all consequential benefits w.e.f. 21-1-89, the date from wages, continuity in service and all consequential benefits w.e.f. 21-1-89, the date from which he has not been taken on job in the pay scale of Rs. 950-1500.

3. The claim of the workman has been contested by the management. The appointment of workman as Fitter on daily wages w.e.f. 15-5-85, has been, as claimed by the workman, admitted. It is specifically stated in their written statement that on 19-11-88 the workman assaulted the Junior Engineer, who was performing his official duty and due to that he was issued a show cause notice for causing assault on an officer on official duty, so his name was struck off from muster roll w.e.f. 21-1-89 and this order was issued by the Executive Engineer, Construction Division-VI after getting necessary instruction from the Superintending Engineer, CPWD, New Delhi who gave his decision after finding of the enquiry committee appointed by him for the said purpose. It is further alleged that the Executive Engineer, Construction Division-VI as a member of the Enquiry Committee appointed by the Superintending Engineer for holding an enquiry in the case of misbehaviour of Shri Lallan Prasad with Shri N.K. Gupta, Junior Engineer on 19-11-88 had been called by the Enquiry Officer and Shri Lallan Prasad appeared before him in the Enquiry Committee. Accordingly, he further alleged that the enquiry was properly held and after holding detailed enquiry by examining the witnesses in his presence which was read out to him and he even signed the same by participating in the said enquiry and he was found guilty and therefore, the action taken by the management is absolutely correct. They also alleged that the enquiry by the subordinate authority to the appointing authority and the same has been terminated in accordance with law; that he is not entitled to be reinstated and there is no question of making payment of any wages or continuity in service of the workman.

4. The workman also filed his rejoinder reiterating his earlier versions and denying the contents of written statement of the management.

5. The workman filed his own affidavit and on the other hand the management also filed affidavit of one Shri B.K. Bahal, Assistant Engineer, CPWD.

6. I heard argument of the learned representative of both the parties and also perused the file and documents. From the evidence, it is proved as per the evidence of workman that no charge sheet was served to the workman and no proper enquiry was held. It is also proved that Shri R.K. Jain, Executive Engineer, Construction Division-VI was one of the enquiry officer and he himself acted as disciplinary authority by issuing the order of termination dated 20-1-89. It is also not disputed that so called enquiry was completed in one day i.e. on 22-12-89 and in cross examination the workman was not allowed. It is also admitted that no notice was given to him and also charge-sheet was not served to him and he denied the procedure of departmental enquiry that he was not given full opportunity. In the cross examination of Shri B.K. Bahal MW-1, he said that I cannot say if defence assistant was not provided to him because he was not in the enquiry committee. While perusing the documents, it is clearly proved that no chargesheet was served to workman and proper enquiry was not conducted. The workman also denied the opportunity of cross-examination of the witnesses. As per the enquiry report submitted by the management, it is mentioned in the report dated 23-12-88 that Shri Lallan Prasad, Mahender Kumar, Lekh Raj Singh, Shri Prasad, Bindeshwari Sharma and Pappu Singh had beaten to Shri N.K. Gupta, Junior Engineer. In the preliminary enquiry without holding regular enquiry as per law, only Shri Lallan Prasad workman was terminated from service is a discriminatory and against the principle of natural justice. The stand of the management that daily wages workers have no right for proper departmental enquiry, in accordance with the law. In M.C.D. Appellant V. Praveen Kumar Jain and others, reported in 1999 LAB. I.C. 619 at page 621, it was held by the Hon'ble Supreme Court that the discharge from service of a casual worker on account of misconduct without holding proper enquiry is invalid and further held that if it was discharge simpliciter of a casual labour without compliance of Section 25-F, so the retrenchment is illegal and unjustified and therefore the workman is entitled to be reinstated. It therefore, cannot be accepted that as the workman was a daily rated worker, he cannot be chargesheeted or it is not necessary to hold proper enquiry against the workman for misconduct as alleged by the management referred hereinabove.

7. Therefore, I hold that the action of the management in the instant case in terminating the services of the workman Shri Lallan Prasad w.e.f. 21-1-89 was absolutely illegal and unjustified and can not be sustained. It deserves to be quashed, accordingly it is quashed. The workman is entitled to reinstatement in service with only 50% of back wages w.e.f. 21-1-89 and all other consequential benefits within a period of 30 days after the publication of the award.

Parties shall bear their own costs. The terms of reference is answered and award is given accordingly.

Dated : 06-05-2004

B.N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1322.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 15/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल.-42012/139/90-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14th May, 2004

S.O. 1322.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/91) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 14-5-04.

[No. L-42012/139/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
NEW DELHI

Presiding Officer: Shri B.N. Pandey

I.D. No. 15/91

Shri Sant Lal
S/o Shri Rama Asra, as represented
By CPWD Mazdoor Union,
E-26 (Old Qtr.) Raja Bazar,
Baba Karak Singh Marg,
New Delhi

Workman

Versus

The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi

Management

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-42012/139/90-IR(DU) dated 15-2-91 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Director General of Works, CPWD Nirman Bhawan, New Delhi in terminating the services of Shri Sant Lal, Mali, w.e.f. 27-12-84 is justified? If not, to what relief the workman concerned is entitled to?"

2. The claim of the workman as alleged in his statement of claim that he was initially engaged as Mali on 18-1-83 and worked continuously upto 26-12-84 under Dy. Director of Horticulture, South Division, CPWD and

completed more 240 days of service as defined in Section 25(B) of the I.D. Act; that the workman reported on work 27-12-84 and onwards but he was refused employment and his juniors were retained in service. He further alleged that the workman is entitled for full back wages, continuity of service and all consequential benefits including regularization as work charged Mali because all persons junior to him who were retained in service and granted regularization. The termination of workman is illegal as well as unjustified. The workman has prayed for reinstatement with full back wages, continuity of service and all consequential benefits.

3. The claim of the workman has been contested by the management. The appointment of workman on Daily Wages basis as Mali w.e.f. 18-1-83 and the date of termination i.e. 27-12-84, has been, as claimed by the workman, admitted; that the management also contended that the dispute raised by the workman is belated on the part of the workman, so the claim may be dismissed outrightly.

4. The workman also filed his rejoinder reiterating his earlier versions and denying the contents of written statement.

5. The workman filed his own affidavit and on the other hand the management also filed affidavits of one Shri Brij Raj Singh, Dy. Director of Horticulture, North Division, CPWD.

6. I heard arguments of the learned representatives of both the parties and also perused the file. Admittedly the workman was engaged on 18-1-83 and worked continuously upto 26-12-84 and his service were terminated w.e.f. 27-12-84 without any notice, notice pay, compensation as required u/s 25-F of I.D. Act. Thus, it is admitted and also proved beyond all doubts that the workman completed and worked for more than 240 days in service. Therefore, he required protection of provisions of Section 25-F of I.D. Act 1947. Admittedly no notice, notice pay or compensation was given before his termination/retrenchment from his services which was clear violation of provisions of Section 25-F of I.D. Act. Therefore, the retrenchment/termination of workman cannot be legal and is hereby quashed and the workman deserves to be reinstated in service in the same capacity in which he was working at the time of his termination. However, in the facts and circumstances of the case that the workman has raised the dispute after elapse of more than six years. In Ajaib Singh and Sirhind Co-op. Marketing-cum-Processing Service Ltd. & Another (1999-1-LLJ-1260) held by the Hon'ble Supreme Court that the Article 137 of Limitation Act 1963 is not applicable in the proceedings of Industrial Dispute Act and the Hon'ble Supreme Court allowed 60% back wages to the workman, so I feel it is not just and proper to grant him full back wages. I feel that payment of 25% of back wages to him coupled with his reinstatement will meet ends of justice; the award shall to be implemented by the management within two months from the date of its publication in the official Gazette.

The reference is answered and award is given accordingly.

Dated: 30-04-2004 B.N. PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2004

का. आ. 1323.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, सी ओ वाई, ए एस सी (एस यू पी) टाईप 'जी' के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 77/99 से 105/99, 115/99 से 125/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-04 को प्राप्त हुआ था।

[सं. एल. 14012/44 से 65/98-आई. आर. (डी.यू.)]

[सं. एल. 14012/72 से 78/98-आई. आर. (डी.यू.)]

[सं. एल. 14012/85 से 95/98-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 14 th May, 2004

S.O. 1323.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/99 to 105, 115/99 to 125/99) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Office Commanding, COY ASC (SUP) Type 'G' and their workman, which was received by the Central Government on 14-5-04.

[No. L-14012/44 to 65/98-IR (DU)]

[No. L-14012/72 to 78/98-IR (DU)]

[No. L-14012/85 to 95/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B.N. Pandey

1. Leading Case I.D. No. 77/99

Shri Shiv Kumar Yadav
S/o Shri Ram Shakal Yadav
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi ... Workman

Versus

The Officer Commanding,
226, COY ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

2. I.D. No. 78/99

Shri Suresh Yadav
S/o Shri Sita Ram Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi. ... Workman

Versus

The Officer Commanding,
226, COY ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

3. I.D. No. 79/99

Shri Ram Vilash Yadav
S/o Shri Sumer Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi. ... Workman

Versus

The Officer Commanding,
226, COY ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

4. I.D. No. 80/99

Shri Kailash Yadav
S/o Shri Kalpu Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi. ... Workman

Versus

The Officer Commanding,
226, COY ASC (SUP) Type G,
Delhi Cantt.,
New Delhi. ... Management

5. I.D. No. 81/99

Shri Udai Raj-I
S/o Kedar Nath,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi. ... Workman

Versus

The Officer Commanding,
226, COY ASC (SUP) Type G,
Delhi Cantt., ... Management

6. I.D. No. 82/99

Shri Brahm Dev Yadav
S/o Shri Ram Chander Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-91. ... Workman

Versus

The Officer Commanding,
226, COY ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

7. I.D. No. 83/99
Shri Meva Lal
S/o Shri Ram Charan,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-91. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi. ... Management
8. I.D. No. 84/99
Sh. Shri Kant
S/o Shri Krishna Kumar,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-91. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi. ... Management
9. I.D. No. 85/99
Shri Jai Govind,
S/o Shri Ram Sajiwan Tiwari,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management
10. I.D. No. 86/99
Shri Kameshwar Yadav,
S/o Shri Deepa Rai,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management
11. I.D. No. 87/99
Shri Sardar Yadav
S/o Shri Hardev Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management
12. I.D. No. 88/99
Shri Har Govind Singh
S/o Shri Laxman,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management
13. I.D. No. 89/99
Shri Ram Dev
S/o Shri Shiv Ram,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management
14. I.D. No. 90/99
Shri Om Parkash
S/o Shri Ram Charan,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management
15. I.D. No. 91/99
Shri Vinod Kumar
S/o Shri Ram Khilawan
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman
Versus
The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10. ... Management

16. I.D. No. 92/99

Shri Jai Ram
S/o Shri Chohergh Prasad
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

17. I.D. No. 93/99

Shri Ram Vachan
S/o Shri Murli,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

18. I.D. No. 94/99

Shri Ram Laut
S/o Shri Mukadam,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

19. I.D. No. 95/99

Shri Virender Kumar Yadav,
S/o Shri Shakul,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

20. I.D. No. 96/99

Shri Harish Chander Yadav
S/o Shri Babu Lal,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

21. I.D. No. 97/99

Shri Vijay Shankar
S/o Shri Ram Baran Tiwari,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

22. I.D. No. 98/99

Shri Hari Shankar
S/o Shri Bansi Lal,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

23. I.D. No. 99/99

Shri Sant Ram Saroj,
S/o Shri Ayadha Prasad,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

24. I.D. No. 100/99

Shri Ram Avadh Yadav,
S/o Shri Nakul Yadav
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

25. I.D. No. 101/99

Shri Mohinder Prasad-II,
S/o Shri Chander Dev Singh,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

26. I.D. No. 102/99

Shri Ashok Kumar Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

27. I.D. No. 103/99

Shri Ganga Ram,
S/o Shri Moti Ram,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

28. I.D. No. 104/99

Shri Sardar Yadav,
S/o Shri Nanku Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

29. I.D. No. 105/99

Shri Ram Niwas Yadav,
S/o Shri Hari Narain Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

30. I.D. No. 115/99

Shri Raj Kumar,
S/o Shri Sar Dev,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

31. I.D. No. 116/99

Shri Sangam Lal Yadav,
S/o Shri Silobhan Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

32. I.D. No. 117/99

Shri Bechu Prasad,
S/o Shri Vijay Pal Persia,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

33. I.D. No. 118/99

Shri Deleshwar Ram,
S/o Shri Agnee Ram,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

34. I.D. No. 119/99

Shri Chander Bali Yadav-II
S/o Shri Nanku Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

35. I.D. No. 120/99

Shri M.C. Pandey,
S/o Shri B.D. Pandey,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

36. I.D. No. 121/99

Shri Mahender Yadav-I,
S/o Shri Nanku Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

37. I.D. No. 122/99

Shri Gokul Yadav,
S/o Shri Bachu Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

38. I.D. No. 123/99

Shri Shankar Dev Dubey,
S/o Shri Ram Shankar Dubey,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

39. I.D. No. 124/99

Shri Shyam Narain Yadav,
S/o Shri Murli Yadav,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

40. I.D. No. 125/99

Shri Chandrika
S/o Shri Veg Nath,
C/o Shri M.A. Khan,
5/385, Trilokpuri,
Delhi-110091. ... Workman

Versus

The Officer Commanding,
226 COY, ASC (SUP) Type G,
Delhi Cantt.,
New Delhi-10 ... Management

AWARD

Since all the 40 cases mentioned above are against the same management-respondents and are based on common footings, they were consolidated on the application of the workman which was un-opposed, heard together and are being disposed of by this common award which shall govern all of them. I.D. No. 77/99 is treated as the leading case.

2. In I.D. No. 77/99 The Central Government in the Ministry of Labour vide its Order No. L-14012/50/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Sh. Shiv Kr. Yadav, S/o Sh. Ram Sakal Yadav is legal & justified ? If not, to what relief the workman is entitled ?"

3. In I.D. No. 78/99 The Central Government in the Ministry of Labour vide its Order No. L-14012/50/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Suresh Yadav is legal and justified? If not, to what relief the workman is entitled?"

4. In I.D. No. 79/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/52/98-IR (DU) dated 1-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ravi Vilas Yadav is legal & justified? If not, to what relief the workman is entitled?"

5. In I.D. No. 80/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/58/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Kandas Yadav is legal & justified? If not, to what relief the workman is entitled?"

6. In I.D. No. 81/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/53/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Uday Raj S/o Sh. Kedar Nath is legal & justified? If not, to what relief the workman is entitled?"

7. In I.D. No. 82/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/56/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Brahm Dev Yadav S/o Ram Chander Yadav is legal & justified? If not, to what relief the workman is entitled?"

8. In I.D. No. 83/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/57/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Meva Lal S/o Sh. Rami Charan is legal & justified? If not, to what relief the workman is entitled?"

9. In I.D. No. 84/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/64/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Shrikant S/o Krishan Kumar is legal & justified? If not, to what relief the workman is entitled?"

10. In I.D. No. 85/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/63/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Jai Govind S/o Ram Sujan Tiwari is legal & justified? If not, to what relief the workman is entitled?"

11. In I.D. No. 86/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/61/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Kameshwar Yadav is legal & justified? If not, to what relief the workman is entitled?"

12. In I.D. No. 87/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/60/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Sardar Yadav S/o Shri Hardev Yadav is legal & justified? If not, to what relief the workman is entitled?"

13. In I.D. No. 88/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/59/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Har Govind S/o Sh. Laxman Singh is legal & justified? If not, to what relief the workman is entitled?"

14. In I.D. No. 89/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/76/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ram Dev S/o Shiv Ram is legal & justified ? If not, to what relief the workman is entitled ?"

15. In I.D. No. 90/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/75/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Om Prakash S/o Sh. Ram Chander is legal & justified ? If not, to what relief the workman is entitled ?"

16. In I.D. No. 91/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/74/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Vinod Kumar, S/o Sh. Ramchilwan is legal & justified ? If not, to what relief the workman is entitled ?"

17. In I.D. No. 92/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/77/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Jai Ram S/o Sh. Choherga Prasad is legal & justified ? If not, to what relief the workman is entitled ?"

18. In I.D. No. 93/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/65/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ram Vachan is legal & justified ? If not, to what relief the workman is entitled ?"

19. In I.D. No. 94/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/72/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ram Laut S/o Mukadam is legal & justified ? If not, to what relief the workman is entitled ?"

20. In I.D. No. 95/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/73/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Virender Kr. Yadav S/o Sh. Shakul is legal & justified ? If not, to what relief the workman is entitled ?"

21. In I.D. No. 96/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/44/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Harish Chander Yadav S/o Sh. Babu Lal is legal & justified ? If not, to what relief the workman is entitled ?"

22. In I.D. No. 97/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/48/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., is legal and justified in terminating the services of Shri Vijay Shanker S/o Sh. Ram Baran Tiwari ? If not, to what relief the workman is entitled ?"

23. In I.D. No. 98/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/49/98-IR (DU) dated 1-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Hari Shanker, S/o Shri Bansi Lal Pal is legal & justified ? If not, to what relief the workman is entitled ?"

24. In I.D. No. 99/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/47/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Sant Ram Saroj, S/o Sh. Ayedhya Prasad is legal & justified ? If not, to what relief the workman is entitled ?"

25. In I.D. No. 100/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/46/98-IR (DU) dated 1-3-99 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ram Adhar Yadav S/o Sh. Nanku Yadav is legal & justified? If not, to what relief the workman is entitled?"

26. In I.D. No. 101/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/45/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating Shri Mohinder Prasad-II S/o Sh. Chander Dev Singh is legal & justified? If not, to what relief the workman is entitled?"

27. In I.D. No. 102/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/54/98-IR (DU) dated 1-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ashok Kr. Yadav S/o Sh. Dwarika Yadav is legal & justified? If not, to what relief the workman is entitled?"

28. In I.D. No. 103/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/55/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ganga Ram, S/o Sh. Moti Ram is legal & justified? If not, to what relief the workman is entitled?"

29. In I.D. No. 104/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/78/98-IR (DU) dated 1/9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Sardar Yadav S/o Sh. Nanku Yadav is legal & justified? If not, to what relief the workman is entitled?"

30. In I.D. No. 105/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/62/98-IR (DU) dated 9-3-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Ram Niwas Yadav is legal & justified? If not, to what relief the workman is entitled?"

31. In I.D. No. 115/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/94/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Raj Kumar S/o Sh. Sar Dev is legal & justified? If not, to what relief the workman is entitled?"

32. In I.D. No. 116/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/95/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Bangam Lal Yadav S/o Sh. Shilechan Yadav is legal & justified? If not, to what relief the workman is entitled?"

33. In I.D. No. 117/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/93/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Beshu Prasad S/o Sh. Vijay Pal is legal & justified? If not, to what relief the workman is entitled?"

34. In I.D. No. 118/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/91/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Daleswar Ram S/o Sh. Agnu Ram is legal & justified? If not, to what relief the workman is entitled?"

35. In I.D. No. 119/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/90/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Chandra Ball Yadav S/o Sh. Nanky is legal & justified? If not, to what relief the workman is entitled?"

36. In I.D. No. 120/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/89/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the Officer Commanding, 226, COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri M.C. Pandey S/o Sh. D.B. Pandey is legal & justified? If not, to what relief the workman is entitled?”

37. In I.D. No. 121/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/88/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Mahender Yadav-I S/o Sh. Nanku Yadav is legal & justified? If not, to what relief the workman is entitled?”

38. In I.D. No. 122/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/87/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Gokul Yadav S/o Sh. Bechu Yadav is legal & justified? If not, to what relief the workman is entitled?”

39. In I.D. No. 123/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/86/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Shakal Dev Dubey, S/o Sh. Ram Shankar Dubey is legal & justified? If not, to what relief the workman is entitled?”

40. In I.D. No. 124/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/85/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Shyam Narain Yadav S/o Sh. Murli Yadav is legal & justified? If not, to what relief the workman is entitled?”

41. In I.D. No. 125/99 the Central Government in the Ministry of Labour vide its Order No. L-14012/92/98-IR (DU) dated 19-4-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Officer Commanding, 226 COY ASC(SUP) Type-G, Delhi Cantt., in terminating the services of Shri Chandrika S/o Sh. Vag Nath is legal & justified? If not, to what relief the workman is entitled?”

42. In all the above-mentioned 40 cases the workmen have filed their separate claim statements almost on the same and similar grounds challenging the order of Management terminating their services on 31-10-97 and claiming their reinstatement and regularisation of their services with all benefits and full back wages for the month of September and October 1997. They have alleged that they were employed as casual labour by the management. The officer commanding 226, COY ASC (Sup) Type-G, Delhi Cantt. New Delhi. That from the very beginning they worked from 8 AM to 5 PM regularly in each month but the management did not pay their actual wages. That on demand of the management the workmen also submitted their identity card issued by the department of Employment Exchange in the Office of the management; that for about 3 months before the date of their termination they had been demanding for regularisation of their services, therefore, the management removed/terminated their services on 31-10-97 orally without giving any notice of compensation to them whereas the management regularised services of some other casual labourers who were juniors to them. That the management also did not pay the wages of September and October, 1997 to the workman at the time of termination of their services. However, the workmen have given separate month, year of their engagement in service separately. The workmen named above have also alleged that they were not paid their actual wages and that they had been working as directed for work in godown or stores as Chowkidar for about many years respectively, from 8 AM to 5 PM.

43. The Management-respondent filed its written statement almost on the common grounds in all the cases separately. It was inter alia alleged that the claim of the workman is false, frivolous and misconceived and not maintainable, and liable to be dismissed. That the workmen have not been in employment of the management and there existed no relationship of casual labour service between the parties. Therefore, their claim is not within the purview of I.D. Act, that the present dispute is covered by the C.A.T. Principal Bench, New Delhi vide judgement dated 16-2-90 in the case of Raj Kamal and others Vs. U.O.I.; that the Guidelines in the matter of recruitment of the person on daily wages basis in Central Government office were issued, vide this department OM No. 49014/2/86-Estt. (C) dated 7-6-1988. It was further reviewed in the light of Judgement of the CAT, Principal Bench, New Delhi delivered on 10-2-90 in the writ petition filed by Shri Raj Kamal and others Vs. Union of India. That the temporary status would be conferred on all casual labourers, who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).

That the letter issued by the Director General of Supplies and Transport on dated 14th March, 1981 vide

their letter No. A/99862/O/ST12 has stated that only a casual employee who has put in at least 240 days (206 days in case of 5 days week) of casual service (including broken period service) during each of the two years of service referred to above will be entitled to the benefit. That the petitioners have not completed 240 days of service in calendar year as per rules and regulation of the Central Government. Hence their claim is liable to be dismissed.

44. Rejoinder was also filed by the workmen in their cases reiterating their averments made in their claim statement and denying the allegations made in the written statement. Both the parties adduced documentary evidence and also filed affidavit of Shiv Kumar Yadav and others for workmen and affidavit of Col. Konickal Satheesh Kumar on behalf of the management. They were also cross-examined by their respective opposite parties.

45. I have heard learned counsel for the parties and perused the file.

46. As regards the preliminary objections of the management that the present dispute is not an Industrial dispute, hence it is not maintainable in this Court and that it is within the competence of Central Administrative Tribunal Principal Bench, New Delhi, I find that the Management has admitted that the workmen were engaged by the Management as casual labourers on daily wages basis and that the Government of India, Ministry of Home Affairs, Department of Personnel and A/R had also issued a letter that if casual labour has put in 240 days of service in each of the preceding two years, he may be considered eligible for regularisation. It is also worth to be mentioned that according to the Management the workmen claimants are not regular Central Government employees and they were engaged against certain casual works on daily wages basis. The Management/Respondents is Delhi Cantonment. Therefore, in relation to any industrial dispute concerned to it the Central Government is the appropriate Government which has referred the present dispute to this Court. Hence on the basis of the facts and evidence on the record I find that the present dispute between the casual labours and the management is definitely an industrial dispute within the jurisdiction of this Tribunal. The Central Government has also referred the present dispute for adjudication to this Tribunal. I find that, the objections raised by and on behalf of the Management respondent is untenable. Accordingly it is rejected.

47. Now coming to the merits of the case I find that the workmen claim that they were employed as casual labour

by the Management 6 to 8 years back and they had been working regularly since then till their removal from service on 31-10-97 and thus they claim that they had completed for more than 240 days service in each year of their service preceding their termination. The fact that the workmen were engaged by the management as casual labour is not denied by the management but the management claims that none of the workmen had completed 240 days of service in any calendar year as per Rules, before their termination. The burden to prove that the workmen or any workmen from amongst them had completed 240 days regular service as per rules in the preceding year of their or his termination lies on the workman. In order to prove this fact they has adduced no documentary evidence or verbal evidence their own affidavit and copy of Identity Card issued by the Directorate of Employment the Employment Exchange Delhi. These Identity Cards were issued by the Employment Officer on different dates. There is nothing in it to connect it with the management. Moreover, it cannot be read in evidence to prove the factum of service or period of service of the workmen under any employment of the management. None of the workman has filed or adduced any other documentary evidence to show that he had been working regularly from the date of his engagement with the management till the date of his removal from service. In oral evidence workman Shiv Kumar Yadav admitted in his cross-examination that no appointment letter was given to him but he was working daily in each year. His wages were paid to him in cash and that he used to sign daily in the attendance register but he has no document in connection with his appointment with the management. On the other hand the MW1 Col. Konical Satheesh Kumar has stated in his cross-examination that the workmen were doing work of loading and unloading of bagged supplies coal, L.P.G. Cylinders etc. The work which was being taken from these workmen was not of regular nature for the whole years. The Labourers were employed only when railway racks and wagons were coming to the depot for loading and unloading. From the evidence of the management it is clear that the work for which the workmen were engaged was occasional and not regular. The workmen were engaged whenever the work was required. Therefore, the sole statements of the workman that all the workmen were working daily and regularly cannot be accepted. Besides, the management has also filed in documentary evidence details of number of working days of each workman which is on the record. It shows that none of the workmen completed two hundred & Forty days in any year. According to them they were removed from service on 31-10-87. The details of working days given in the list by the management in each case of the workman is as under :

I.D. No.	Name of Workman	Years															
		83-84	84-85	85-86	86-87	87-88	88-89	89-90	90-91	91-92	92-93	93-94	94-95	95-96	96-97	97-98	
77/99	Sh. Shiv Kumar Yadav	=	=	=	=	=	=	=	=	=	175	140	72	86	127	60	
78/99	Sh. Suresh Kumar											149	64	16	116	89	
79/99	Sh. Ram Vilas Yadav										17	89	68	80	54	16	
80/99	Sh. Kalas Yadav					122	129	158	148	62	177	148	60	57	58	28	
81/99	Sh. Uday Raj-I											198	88	81	168	68	
82/99	Sh. Brahm Dev Yadav								148	88	142	111	76	51	59	06	
89/99	Sh. Meva Lal					161	147	198	175	116	225	215	157	152	156	25	
84/99	Sh. Shri Kant										102	124	56	42	155	08	
85/99	Sh. Jai Govind						116	162	172	99	282	140	80	54	85	20	
86/99	Sh. Kameshwar Yadav												58	08	54	88	
87/99	Sh. Sardar Yadav					180	187	186	121	79	197	140	66	80	142	25	
88/99	Sh. Har Gebind										194	219	192	175	204	181	
89/99	Sh. Ram Dev										147	191	64	82	18	=	
90/99	Sh. Om Parkash								72	86	217	218	88	126	162	41	
91/99	Sh. Vinod Kumar												89	48	28	18	
92/99	Sh. Jai Ram											126	61	48	85	22	
93/99	Sh. Ram Vaahan										106	92	18	82	18	=	
94/99	Sh. Ram Laut										98	107	88	56	24	88	
95/99	Sh. Virender Kumar Yadav											150	119	41	88	69	
96/99	Sh. Harish Chander										14	85	48	40	97	13	
97/99	Sh. Vijay Shankar							72	88	58	178	144	89	88	88	17	
98/99	Sh. Hari Shankar							197	174	78	184	149	78	20	87	17	
99/99	Sh. Sant Ram Saroj	175	189	192	171	155	141	188	184	117	210	181	78	78	181	26	
100/99	Sh. Ram Adhar Yadav		142	146	142	188	201	162	155	75	219	154	90	70	77	22	
101/99	Sh. Mehinder Pd. II										98	112	85	88	50	03	
102/99	Sh. Ashok Kumar							91	169	106	127	188	181	73	186	34	
103/99	Sh. Ganga Ram										95	144	70	15	28	12	
104/99	Sh. Sardar Yadav							108	174	180	193	151	92	184	96	27	
105/99	Sh. Ram Niwas Yadav				65	181	199	174	81	221	166	78	50	59	13		
115/99	Sh. Raj Kumar							118	187	77	119	115	44	88	11	01	
116/99	Sh. Sangam Lal Yadav								159	64	185	187	42	22	48	85	
117/99	Sh. Beehu Prasad											145	62	36	26	16	
118/99	Sh. Daleshwar Ram				110	79	181	189	108	198	168	78	80	145	33		
119/99	Sh. Chander Bali Yadav							98	142	95	190	162	78	58	87	14	
120/99	Sh. M.G. Pandey										92	108	95	96	28	=	
121/99	Sh. Mahender Yadav-I										11	09	81	47	61	06	
122/99	Sh. Gekul Yadav				149	95	119	155	66	211	134	58	88	61	07		
123/99	Sh. Shakal Dev Dubey											182	167	118	148	125	
124/99	Sh. Shyam Narain Yadav											108	82	25	42	09	
125/99	Sh. Chandrika								148	128	199	204	66	44	79	27	

48. From the above details given by the management it is clear that none of the workmen worked for 240 days in the preceding years of his removal from service. The workman could adduce no evidence to rebut this documentary evidence on the record. Thus, I find that the workman utterly failed to discharge their burden and prove that he was in continuous service for not less than one year under the employer as defined under section 25F of the I.D. Act. They have also failed to prove that during a period of 12 calendar months preceding the date with reference to which conclusion is to be made had actually worked under the employer for not less than 240 days. Therefore, they were not entitled to get benefits of protection of section 25-F of the I.D. Act.

49. In view of the above discussions I find no force in the claim of any one of the workmen. Hence, under the circumstances termination of their service by the management cannot be said to be illegal or unjustified. Therefore, I find that they are not entitled to get any relief. Their claim is liable to be dismissed. In the circumstances of the case parties shall bear their own costs. Award is given accordingly. A copy of this award shall be placed on the file of each connected case original being placed on the file of leading case No. 77/99.

Dated : 7-5-04. B.N. PANDEY, Presiding Officer

नई दिल्ली, 19 मई, 2004

का. आ. 1324.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम, न्यायालय नई दिल्ली के पंचाट (संदर्भ संख्या 77/93 एवं 31/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-2004 को प्राप्त हुआ था।

[सं. एल. 12012/124/93-आई. आर. (बी-II),
सं. एल. 12012/304/94-आई. आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 19th May, 2004

S.O. 1324.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/93 and 31/95) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation

to the management of Punjab National Bank and their workman, which was received by the Central Government on 6-5-2004.

[No. L-12012/124/93-IR (B-II),
No. L-12012/304/94-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER : SHRI B.N. PANDEY

1. Leading Case I.D. No. 77/93

Shri Ashwani Kumar Aggarwal,
Flat No. 18, Shubham Apartments,
Plot 37, Patparganj,
Delhi-110091.
Through General Secretary,
Punjab National Bank Employees Union,
W-8, Green Park, New Delhi-110016

—Applicant/Workman

Versus

The General Manager,
Punjab National Bank,
Personnel Division,
Head Office,
7, Bhikaji Cama Place,
New Delhi-110066.

—Management/Respondent

And

2. LD. No. 31/95

Shri Rakesh Kalra,
r/o Sec. II, Pocket E-2,
Group-6, Flat 50,
Rohini, Delhi-85
Through General Secretary,
P.N.B. Sharamik Union,
1/79, Sunder Vihar,
New Delhi-41.

—Applicant/Workman

Versus

The General Manager,
Punjab National Bank,
Personnel Division,
Head Office,
7, Bhikaji Cama Place,
New Delhi-110066.

—Management/Respondent

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AWARD

1. Both the above mentioned cases are against the same management, hence they were taken, heard together and are being disposed of by this common award which shall govern both of them. I.D. No. 77/93 is treated as the leading case.

2. In I.D. NO. 77/93 the Central Government in the Ministry of Labour vide its Order No. L-12012/124/93-I.R. B-II dt. 4-10-93 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab National Bank, in denying promotion to Shri A.K. Aggarwal, visually handicapped, is justified? If not, to what relief the workman is entitled?”

3. In I.D. NO. 31/95 the Central Government in the Ministry of Labour vide its Order No. L-12012/304/94-I.R. B-II dated 17-2-1995 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab National Bank, New Delhi in not allowing Shri Rakesh Kalra, Clerk to appear in the interview for promotion to the post of Officer in Grade-I (JMG-I), although he was permitted to appear in the written test (which he has qualified), is justified? If not, what relief is the said workman entitled to?”

4. In his claim statement in I.D. No. 77/93 the workman Shri A.K. Aggarwal has inter alia alleged that he joined the bank service in the clerical cadre w.e.f. 9-10-87 under the visually handicapped category after passing the requisite skill test. On the time of joining service his qualification was M.A. in business economics, from Delhi University in 1986 with 58 marks in aggregate. That he has been performing his duties to the entire satisfaction of his seniors. He was most efficient employee in his category of visually handicapped employees. He was also awarded President Award in 1991. That in June, 1992 the bank conducted a written test for promotion from clerical cadre to officer cadre in which he also appeared in the written test alongwith other general candidates and he was declared successful in the written test. However, he was denied the opportunity of appearing in the interview process on the plea that the competent authority has not found him eligible for promotion to the officer cadre and vide letter dated 1-10-92 of the bank he was declined to appear in interview for promotion. That the policy and procedure for promotion from clerical cadre to officer cadre is contained in settlement dated 17-7-90 arrived at between the management of the bank and representatives of All India P.N. B. Employees Federation. That the appeal of the workman also failed. That the act of the management declining the workman to appear in the interview was

unjust, illegal and improper which caused a great prejudice to the workman and adversely affected his career in service. The workman prayed that he be declared as having been promoted to JMG scale I alongwith his batchmates who qualified the written test held in June, 1992 with all consequential benefits of arrears of pay and seniority etc. alongwith costs.

5. In the I.D. No. 31/95 the workman Rakesh Kalra filed his claim statement alleging that he joined the bank service on 13-2-86 as a clerk. He has a very good academic career and M.Sc. in Chemistry with 69.2% of marks and also 6 months Diploma in Computers; that while on job he was awarded several letters of appreciation for maximum use of Hindi in official work, for excellent performance in training. He also won National Award of best employee from the President of India on 15-3-92; That he is a deaf person even then he worked very efficiently with no complaint on any seat. That the workman after acquiring the requisite service of more than 4 years and priority marks appeared in the written test for promotion to the post of JMGE Scale I on 28-6-92 and subsequently qualified but he was not called for interview. He sent a number of representations to ascertain the reasons for denying him to appear in the interview lastly he was informed that he was not medically found fit for promotion; that the workman was not asked for to appear before any medical officer and the employer did not get the requisite medical certificate from medical officer and unilateral decided that the workman was not found eligible for promotion; that the workman was capable of doing any nature of supervisory job despite his deafness. That there have been instances of physically handicapped person working as Officer in the various Nationalised bank; that the workman tried his best to settle the matter but of no avail. Hence he has prayed for issuing a direction to the Management to promote the workman as Officer with retrospective effects.

6. In both the above mentioned cases the management filed its separate written statements almost on the same grounds. It has been inter alia alleged in the written statement that Shri A.K. Aggarwal and Shri Rakesh Kalra were not found medically fit by the Medical Officer of the Bank as Shri Aggarwal was totally visually handicapped and Sh. Kalra was deaf. Hence in the opinion of the Medical Officer they were not foundable to perform the supervisory duties of an officer in JMG scale Ist which involves duties to supervise the work of his subordinates. Therefore, in terms of clause 3-C of the Conciliation Settlement dated 17-7-90 they were considered not eligible for promotion. That in view of clause 3-C of the Settlement dated 17-7-90 “an employee who is certified by the Medical Officer of the Bank or a Medical Officer not below the rank of Civil Surgeon to be permanently disabled physically or mentally for supervisory duties and responsibilities shall not be eligible for promotion”. That in view of representations

made by the workman they were allowed to appear in the written test held on 28-6-92 on provisional basis subject to the decision regarding their eligibility by the Competent Authority. That ultimately before interview both of them were found medically unfit for promotion by the competent authority. Therefore, they were declined to appear in the interview; That there was no illegality in the action of the Management. Hence there is no force in the claim of the both workmen and, therefore, it deserves to be dismissed.

7. A rejoinder was also filed against the written statement of the management by both the workmen in their cases denying the contents of the written statement, reiterating their averments.

8. Both the parties filed their documentary evidence and also affidavits. The witness who filed affidavits on behalf of the management and the workman were also cross-examined.

9. I have heard learned counsel/representatives of both the sides and perused the files.

10. It is undisputed that both the workmen Shri A.K. Aggarwal is completely blind and Shri Rakesh Kalra is completely deaf. The alleged memorandum of Settlement dated 17-7-90 although its validity and applicability against both the workmen has been challenged and it was argued that it has got no binding effect on them because it was one sided and not by all the unions of the employees. It provides in its clause 3(C) that an employee who is certified by the Medical Officer of the Bank or a medical officer not below the rank of Civil Surgeon to be permanently disabled physically or mentally for supervisory duties and responsibilities, shall not be eligible for promotion. The Management has also filed a letter dated 29-9-92 of Dr. K.D. Bhalla written to the Asstt. General Manager (P) Head Office, PNB, New Delhi regarding eligibility of physically handicapped employees for promotion from clerical cadre to officer cadre. It reads as under :—

"This is in reference to your letter on above subject Shri Rakesh Kalra is suffering from complete deafness both sides, While Shri A.K. Aggarwal is suffering from complete blindness as per the job profile for officers in the bank (copy supplied by your dept.) I feel that the two candidates cannot perform the duties required of them.

Thanks

Sd/- K.D. Bhalla"

It is worth to be mentioned that the said letter obtained by the management from Dr. K. D. Bhalla copy of which has been filed by the management shows that the doctor had written the said letter without any personal

medical examination of the two workmen Shri A. K. Aggarwal and Shri Rakesh Kalra. Therefore it can not be termed as a medical certificate as required. It is also to be noted that there is nothing on the record to show that Dr. K.D. Bhalla was not below the rank of Civil Surgeon. Therefore, it cannot be said that the said letter/certificate given by Dr. Bhalla was issued by a competent Medical Officer after personal medical examination of the workman. Workman Shri Rakesh Kalra has also filed his affidavit dated 6-9-97 deposing that Shri Arun Kumar presently B.O. Khanpur, New Delhi, was allowed to appear in interview of promotion process of clerical to officer cadre in 1992-93 though he is similarly placed as the deponent in as much as both are handicapped and that Shri S. Kulbhushan of Bank of Baroda, Madras and Shri S.L. Raghav of Indian Bank, Madras have been working as JMG Scale I Officer and MMG Scale II Officer, Both of them being handicapped.

11. Admittedly both the workmen were employed in handicapped category in the bank since the very beginning of their service. Both of them are highly educated. They also worked for several years in clerical grade. They were also rewarded several times. There was no complaint against anyone of them at any point of time. They were also allowed to appear in the exam and both of them were declared successful in the written examination. Therefore, there seems to be no reason as to why they could not perform the supervisory work in the bank. No reason has been assigned by the Management as to why they could not perform supervisory work although they have been performing their clerical work very efficiently since the very joining of their service. They were also not got medically examined by the management by any competent medical officer not below the rank of Civil Surgeon. Hence there seems to be no justification in preventing them from appearing in the interview for promotion. It has also come in the evidence that similar medical handicapped persons have been performing duties of supervisory work in officer cadres in other banks. It has also been admitted during the course of arguments that now the said clause of not giving promotion to handicapped in officers grade has been repealed and now they are being promoted as the earlier provision was found improper unjustified and against the intention and the provision of the Indian Constitution. It has also been admitted during the course of argument that Shri Rakesh Kalra has been subsequently promoted to the officer cadre and is performing his duties efficiently. In the case of Mithilesh Kumari and another Vs. Prem Bahari Khare reported in AIR 1989 SC 1287 it was held by the Hon'ble Apex Court that :

"the laws made justly and for the benefit of individuals and the community as a whole may relate to a time antecedent to their commencement. The

presumption against retrospectivity may in such cases be rebutted by necessary implications from the language employed in the statute. It cannot be said to be an invariable rule that a statute could not be retrospective unless so expressed in the very terms of the section which had to be construed. The question is whether on a proper construction the legislature may be said to have so expressed its intention."

12. Rights of the handicapped employees should not be restricted by way of any settlement which was against the provisions of articles 14 and 16 (1) of the Constitution of India. Right of equality prohibits the State from making such discrimination among citizens on any such ground.

13. In view of the above discussions I find that both the workmen were wrongly prevented by the management from appearing in the interview for promotion to officer grade. Therefore, the action of the management cannot be justified. Accordingly, I hold that the action of the Management of P.N.B. in denying promotion to Shri A.K. Aggarwal visually handicapped was unjust and illegal and improper. Similarly the action of the management P.N.B., New Delhi in not allowing Shri Rakesh Kalra to appear in the interview for promotion to the post of Officer in grade I JMG Ist although he was permitted to appear in the written test which he had qualified was unjustified. Therefore the action of the Management of P.N.B. against both the workmen deserves to be quashed and both the workmen are entitled to be considered for promotion on the basis of that examination for promotion, with all other consequential benefits with retrospective date. In the circumstances of the case parties shall bear their own costs. Award is given accordingly. A copy of this award be placed on the connected case file I.D. No. 31/95 original being placed in the leading case No. I.D. 77/93.

Dated : 7-5-2004

B.N. PANDEY, Presiding Officer

नई दिल्ली, 19 मई, 2004

का. आ. 1325.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट (संदर्भ संख्या 110/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-2004 को प्राप्त हुआ था।

[सं. एल.-12012/130/99-आई. आर. (बी.-II)]

सी. गंगाधरन, अवर सचिव.

New Delhi, the 19th May, 2004

S.O. 1325.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 110/99) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 5-5-2004.

[No. L-12012/130/99-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
"SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE-560022.

Dated : 22nd April, 2004

PRESENT

Shri A. R. SIDDIQUI, PRESIDING OFFICER

C.R. NO. 110/99

I PARTY

Shri Shantappa,
S/o Kallappa Chincholikar,
R/o Wad Chincholi,
Tq. Aland,
District Gulbarga,
KARNATAKA

II PARTY

The Zonal Manager,
Syndicate Bank,
Zonal Office,
Gandhinagar,
BANGALORE-560009

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/130/99/IR (B-II) dated 29th September 1999 for adjudication on the following schedule :—

SCHEDULE

"Whether the action of the management of Syndicate Bank Zonal Office, Bangalore is justified in imposing the punishment of Dismissal from service on Shri Shantappa ? If not, what relief the workman is entitled to ?"

2. First Party appeared and filed Claim Statement. The case of the first party as made out in his Claim Statement is as under :—

3. The case of the 1st party is that he was appointed as Part Time Sweeper in the office of the 2nd Party Bank as per Employee No. 472496 during the year 1985. He worked honestly and sincerely without making any breach of fraud against the management or anybody else and he has not committed any fraud nor cheated any amount as complaint filed by the Management. The management is totally wrong, false and baseless and the same is denied by the 1st party workman.

4. It is the further case of the 1st Party that the Management had lodged a complaint before Station Bazar Police Station, Gulbarga in Crime No. 233 of 1991 under Sec. 468, 471, 420 IPC and not mentioned the name of the accused as per complaint filed by one Manjula, Teacher. Thereafter the management had submitted the relevant documents before concerned police station. Then the concerned police station filed a criminal case against the accused in CC No. 506 of 1994 before the Principal JMFC, Gulbarga and the concerned judicial magistrate first class has recorded the statement of the prosecution and after arguments come to the conclusion that the accused had not committed any guilty. Hence the accused was acquitted on 12-8-1996 by the said court (copy of the judgement is filed).

5. It is the further case of the first party that the Departmental Enquiry conducted by the management is not proper and against the principles of natural justice and equity. The workman had appeared before the JMFC, Gulbarga in CC No. 506 of 1994. After full trial, the learned Magistrate acquitted the accused holding the management and complainant have failed to prove the prosecution and even though the 1st party had submitted the copy of the judgement before the management, the management has not considered the same. The action of the management is totally wrong in passing order of dismissal. Therefore, he requested this Tribunal to allow the reference and direct the management for his reinstatement in service with full backwages and continuity of service etc.

6. The Second Party appeared and filed Written Statement. The 2nd Party however, challenged the various averments made in the Claim Statement dubbing them as false and frivolous. Its contentions are as follows :—

7. The 1st Party workman had fraudulently withdrawn the money from the customer's account. Time and again he has voluntarily and unequivocally admitted that he only has resorted to the same to meet some financial commitments. He has forged and falsified the documents and fraudulently withdrawn money from the Saving Bank account of the Bank's Customer and misappropriated the

same. He was dismissed from the service of the 2nd Party Bank for the proven misconduct of the first party after conducting a fair Domestic Enquiry.

8. It is the further case of the 2nd Party that the Bank lodged a complaint before the police and a case was filed against him in the Principal JMFC, Gulbarga is false. A complaint was given by the customer of the Bank to the police and police made investigation and a case was filed on that complaint of the customer. The Criminal case was registered and conducted by an external agency and not by the management. There is no legal bar to conduct a Domestic Enquiry during the pendency of criminal case as both stand on different footing. As the management did not file the criminal case, there is no question of withdrawing the criminal case by the 2nd Party.

9. The contention of the 2nd party management is that the first party participated in the proceedings of the Domestic Enquiry effectively, cannot go back and say that Domestic Enquiry conducted against him is against the principles of Natural Justice. The claim of the first party that the enquiry is not fair and proper is false and misleading. The 1st Party has voluntarily and unequivocally admitted the charges not only at the initial stage but also continued to accept the charges at all levels even at the stage of hearing by the Appellate Authority. The 2nd Party management has prayed that an opportunity may be given to him to lead fresh evidence and prove the charges against the 1st party. Therefore, the management requested this tribunal to reject the reference and pass an order in its favour.

10. Based on the proceedings of the pendency of criminal case of validity and fairness of departmental enquiry was taken up for hearing in the first instance and the parties were called upon to adduce evidence on the point. In order to substantiate the fact that the enquiry conducted against the first party was fair and proper, the management examined before this tribunal one witness namely the Enquiry Officer as MW1 and got marked documents Ex. M1 to M3 and MW1 was cross examined by counsel of the workman.

11. Similarly, 2nd party produced documents marked as WW1 and called the witness as witness. In his cross examination Ex. M1 and M2 were marked on behalf of the management.

12. Ex. M3 is the copy of the charge sheet dated 10-5-1991. Ex. M2 is the copy of the letter by the General Manager addressed to the workman. Ex. M1 is reply to the said letter. Ex. M4 are the charges against the workman. Ex. M5 is the report of the Enquiry Officer dated 2-8-91. Ex. M6 is said to be the letter written and signed by the workman admitting his guilty and Ex. M7 is another typed letter

dated 30-10-1993 signed by the workman and his defence representative, wherein, he admitted the fact of reimbursement of the balance amount, he had withdrawn from the Bank.

13. After hearing both the parties with regard to the validity and fairness of the enquiry conducted by the management against the workman, my learned predecessor by order dated 30-12-2002 recorded findings to the effect that the Domestic Enquiry was fair and proper. Thereupon the case came to be posted for hearing of the arguments on the merits of the case. Now therefore, in the light of the finding recorded by this tribunal, holding that the enquiry conducted against the first party workman by the second party management is fair and proper, the next point to be gone into would be 'as to whether the findings of the Enquiry Officer in any way suffered from perversity.'

14. Learned counsel for the first party Shri V. K. Hiremath submitted his written arguments, whereas, the learned counsel of Second Party Shri Ramesh Upadhyaya addressed his oral arguments on the said point. On going through the arguments submitted by the learned counsel for the first party, it would appear that the first party once again raised certain points in challenging the validity and fairness of the Domestic Enquiry conducted against him rather than making out the case as to how the Enquiry findings suffered from any perversity much less arbitrariness. In his arguments, the first party almost repeated the various averments made by him in his Claim Statement whereby he questioned the fairness and correctness of the enquiry and the enquiry proceedings conducted by the Enquiry Officer appointed by the management. No where, the contention was raised with regard to the perversity of the findings much less raising contention of any sort of victimization or any unfair labour practice being resorted by the management in dismissing him from his service. Whereas, the learned counsel for the Second Party vehemently argued that the enquiry findings rendered by the Enquiry Officer do not suffer from any perversity much less arbitrariness as they are perfectly based on Voluminous oral and documentary evidence. He submitted that on the basis of the oral and documentary evidence brought on record before the Enquiry Officer, the only reasonable and irresistible conclusion to have been drawn by any man of prudence would have been the conclusion in holding the workman guilty of the charge levelled against him.

15. After having gone through the records, more particularly the oral and documentary evidence adduced before the Enquiry Officer and the findings recorded by him, I am inclined to uphold the arguments advanced for the Second Party.

16. In order to appreciate his arguments without going to discuss in detail the oral and documentary

evidence that were produced before the Enquiry Officer, it will be worthwhile to put on record the very reasonings assigned by the Enquiry Officer in recording the findings that the workman was guilty of the misconduct charged against him. Those reasonings of the Enquiry Officer under the heading 'analysis of evidence and my findings' on pages 7, 8 and 9 of the Enquiry Report are as follows :—

17. 'Analysis of evidence and my findings' :

"Though the CSE had admitted the charge during the enquiry, I consider it my duty to evaluate all the evidence adduced by the Management. I have to observe that all reasonable and fair opportunities were extended to the CSE to defend his case. In spite of this, he voluntarily chose to admit the charge. The question to be decided is whether Shri K. Shantappa, the CSE fraudulently withdrew a sum of Rs. 5000 on 13-7-1991 from SB A/c No. 21868 of Ms. Manjula at Station Bazar Branch, Gulbarga and recredited to the same account a sum of Rs. 3500 on 15-7-1991. While admitting the guilt, Shri K. Shantappa had confessed that he had made the above two transactions as alleged in the charge sheet. However, the management representative chose to lead his evidence in support of the allegations against Shri K. Shantappa, as alleged in the charge sheet under enquiry. Accordingly, he produced three witnesses and 11 documents to sustain the charge referred to above. The evidence of MW1, Ms. Manjula, the complainant conclusively proves that she has not made the transactions in her account on 13-7-1991 and 15-7-1991 respectively as referred to above. She has also identified her complaint dated 19-7-1991 (MEX 1). The CSE, in his cross-examination could not dislodge the evidence of MW1. The evidence of MW2 goes to show that the complainant had approached him on 19-7-1991 and submitted MEX 1 which resulted in his going through the records and coming to the conclusions that it was a fraudulent transaction. The handwritings in MEX 3 & MEX 4 were compared by him with the other transactions made by the CSE, which led him to conclude that the CSE was involved in this fraudulent transaction. MW2 also identified the SB Account No. 21868 folio (MEX 2) wherein the above fraudulent transactions were entered. The fraudulent withdrawal of Rs. 5000 and payment thereon is further confirmed by MEX 6 where the entry appears. Further, specimen signature of MW1 in DF 157 (MEX 5) has a marked difference when compared with the signature in MEX 3 & MEX 4. It is also on record that the CSE had made a voluntary admission of the guilt of the above fraudulent transaction before the Sub-Inspector of Police, Station Bazar Police Station, Gulbarga, vide MEX 9, which was produced in the enquiry by MW2. MEX 7 shows that the Bank had lodged a complaint about the above fraudulent transaction to the Station Bazar Police Station, Gulbarga. MEX 8 reveals that the Police Station had sought for certain original documents from the Bank.

Thus it is clear from MEX 8 that certain original documents like MEX 1, 3 & 4 were seized by the Officials of Station Bazar Area Police Station, Gulbarga. However, this has not hampered the evidentiary value of MEX 1, 3 & 4 during the enquiry, because they were properly identified by the competent persons. The CSE has also not disputed these documents. In fact, the oral submissions made by the CSE before him during the enquiry as well as his statement recorded by the Police as per MEX 9 further strengthens the case of the Management. The cross examination of MW2 was neither favourable to the CSE nor could dislodge the evidence of MW2. The Evidence of MW3 who had conducted the investigation into the matter revealed that he had contracted the complainant and other connected persons. His evidence further strengthens the case of the Management because the CSE had admitted of having committed the above fraud before MW3 and had also given the reasons and the financial constraints faced by him which had led to commit the fraud. In fact, the CSE had gone to the extent of seeking time to re-credit the balance amount of Rs. 1500. Further, the evidence of MW3 reveals that he had made a closer examination of MEX 3 & 4 and compared with other handwriting of the CSE. He had also produced and identified MEX 10 & MEX 11 which when compared with MEX 3 & 4 confirms his conclusion that the CSE was the author of MEX 3 & 4, which inter alia means that the CSE was responsible for the above fraudulent transaction. The CSE did not cross examine MW3. I have carefully perused all the materials placed before me and for the reasons stated above, I have no hesitation in coming to the conclusion that the charge against Shri K. Shantappa, part time Sweeper, Station Bazar Branch, Gulbarga that he had fraudulently withdrawn the money from the customer's account and converted the same for his own use and thus, committed the gross misconduct of 'doing acts prejudicial to the interest of the Bank' vide clause 19.5(j) of the Bipartite Settlement as appearing in the charge sheet No. CGS/BNG/93/33 dated 10-3-1993 is proved."

18. On going through the findings, it is very difficult to dislodge the arguments advanced by the learned counsel for the Second Party asserting that these are the findings well supported by valid and sound reasonings. In the light of the reasoning taken support of by the Enquiry Officer based on unimpeachable documents and oral evidence placed before him, it will be too much to say that findings suffered in any way by perversity or arbitrariness. It appears that this was the same reason, which prevented the first party in not raising any such contention challenging the findings on the ground of perversity when he submitted his Written Arguments through his learned advocate. As noted above, the workman who examined himself in court only on the point of validity or otherwise of the enquiry conducted against him and he did not avail the opportunity of leading any

further evidence so as to make out a case of victimization or unfair labour practice by the management in taking extreme action rather imposing the severe punishment of dismissal on him.

19. Therefore, this Tribunal does not find any factual or legal infirmity with the findings recorded by the Enquiry Officer holding the workman guilty of the misconduct leveled against him. The fact that the workman had fraudulently withdrawn the money from the customer's account in the custody of the management bank and then converted the same for his own use has been in no uncertain terms established and proved before the Enquiry Officer by way of oral as well as documentary evidence.

20. Apart from that, the workman in very clear and unambiguous words admitted the guilt by submitting a letter written and signed by him referred to above as Ex. M6 during the course of enquiry. He also made an admission of reimbursement of the balance amount of Rs. 1500 to the customer concerned by submitting a letter Ex. M7 signed by him and by his defence representative during the course of enquiry. The Enquiry Officer not being contented with the plea of guilt made by the workman and to be on safer side, allowed the management to adduce oral and documentary evidence to substantiate the charges of misconduct leveled against him and it is not just on basis of the admission of guilt by the workman but on the basis of unquestionable documents and oral evidence of the responsible officers of the bank, the Enquiry Officer recorded the finding of guilt. Therefore, by no stretch of imagination it can be said that the findings of the Enquiry Officer were not based on sufficient evidence supported by the valid reasonings so as to term them as perverse or arbitrary. It also cannot be said that the punishment inflicted by the management in dismissing the workman from service for his above said fraudulent act was in any way resulted out of victimization or unfair labour practice or that it tantamounts to disproportionate with the gravity of misconduct committed by the workman.

21. In the result it must be held that charge of misconduct leveled against the workman has been fully proved against him and the punishment of dismissal imposed upon him is quite reasonable and in commensurate to the gravity of misconduct committed by him. Therefore, the reference must fail. Hence the following Order:

ORDER

The reference is dismissed. No costs.

(Dictated to PA, transcribed by her, corrected and signed by me on 22nd April 2004)

A. R. SHANTAPPA, Presiding Officer

नई दिल्ली, 19 मई, 2004

का. आ. 1326.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 189/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2004 को प्राप्त हुआ था।

[सं. एल.-12012/75/97-आई. आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 19th May, 2004

S.O. 1326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 189/97) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 11-5-2004.

[No. L-12012/75/97-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 189/97

Shri B. K. Arora S/o Shri R. P. Arora,
R/o Flat No. 30, Sector 21, POC. 12,
Rohini Delhi through The Zonal
Secretary, Syndicate Bank Staff
Association, Ram Naresh Bhawan,
Tilak Gali, Pahargunj,
New Delhi-110055.

—Workman

Versus

The Assistant General Manager,
Syndicate Bank,
6, Bhagwan Dass Road,
New Delhi

—Management

AWARD

The Central Government in the Ministry of Labour
vide its Order No. L- 12012/75/97/IR(B-II) dated 11-11-97

has referred the following industrial dispute to this
Tribunal for adjudication :—

“Whether the action of the management of the Syndicate Bank in dismissing Shri B. K. Arora, Clerk from the service w.e.f. 15-4-93 is legal & justified? If not, what relief the said workman is entitled to?”

2. According to the claim statement the workman was a regular employee of the respondent Bank. He joined the bank as probationary clerk on 1-10-84 and worked in various branches of the bank. That he was put under suspension on 30-12-89 and was chargesheeted on 25-5-90 and finally dismissed from services on 17-3-93; that aggrieved with the action of the management the union of the workman raised an industrial dispute before the ALC(C) which ended in failure. Hence this reference. The workman has challenged his dismissal order on various grounds including inordinate delay of 24 months in conducting the enquiry against him and arbitrary attitude of the disciplinary authority and also conclusion of the enquiry proceedings it was also alleged that the management had also filed an FIR with the police and the police investigated the matter and reached to a conclusion that there was no case against the workman. It was further alleged that the chargesheet against him was vague and the enquiry officer held him guilty on the basis of imagined and cooked story and against the records available to him. It is also alleged that the punishment awarded to him is inappropriate to the charges levelled against him, and his dismissal is illegal. Hence he is entitled to be reinstated in service with all back wages alongwith interest @ 18% per annum and other consequential benefits.

3. The Management respondent filed its written statement contesting the claim of the workman. It was further alleged that while the workman was performing the duties of Cashier at Mori Gate Branch of the Bank he was suspended on 28th December, 1989 for committing gross misconduct under para 19.5 (j) of the Bipartite Settlement. Enquiry was conducted against him in accordance with the principles of natural justice and ultimately he was dismissed from service on 15th April, 1993. It was further alleged that there was no delay in issuing chargesheet nor there was any illegality or irregularity or breach of principles of natural justice in conducting the enquiry. Charges levelled against the workman are found proved and accordingly he was found guilty for committing gross misconduct. Therefore, he was rightly dismissed from services. His claim petition has no force and is liable to be dismissed.

4. The workman filed rejoinder against the written statement of management and reiterating his averments made earlier in the claim statement.

5. On the basis of the pleadings of the parties following issues were framed :—

1. Whether the domestic enquiry conducted against the workman by Management is fair and proper ?

2. As per the term of reference ?

6. Both the parties filed documentary evidence. In oral evidence workman filed his own affidavit. On the other hand Shri K. L. N. Joshi, Enquiry Officer filed his affidavit. Both of them were also cross-examined on behalf of respective opposite parties.

7. I have heard learned counsel for the parties and also perused the file.

ISSUE NO. 1

8. Pending initiation of enquiry into the serious allegations of misappropriation of an amount of Rs. 20,000 on 11-12-1989 against the workman at Mori Gate Branch, New Delhi he was suspended on 28-12-89 by Shri S. P. Jain, Assistant General Manager. In his reply/explanation against the alleged misappropriation workman expressed his innocence and stated that he had no knowledge about it. He further alleged that he was pressurised and terrorised by the police at the behest of the Bank Officer Shri A. K. Chaudhary to deposit the amount. He beg for getting money from his friends and relatives and could manage Rs. 10,000 same day and the rest by 16-12-89 which was deposited in suspense account of the Mori Gate Branch and his signatures were forcibly taken. In the charge sheet dated 25-5-90 it was alleged that on 11-12-89 the workman was performing duties of the Cashier and on the said date a cheque for Rs. 25,000 drawn on State Bank account No. 8492 of Shri G. D. Luthra was received at his end for payment an amount of Rs. 5,000 was to be adjusted towards O.S.L. 2/88 of Sri G. D. Luthra and the balance of amount of Rs. 20,000 was to be paid in cash to Shri A. K. Chaudhary, Asstt. Manager of the Branch that after making an adjustment of Rs. 5,000 out of the amount of Rs. 25,000 the balance sum of Rs. 20,000 was not paid by the workman to Shri A. K. Chaudhary and the workman left the branch at about 3.40 P.M. and did not return till late hours on 11-12-89 and he also did not attend the office on 12-12-89. Thereafter the branch had to lodge a complaint with the police in order to find out whereabouts of the workman. That the police could trace the workman at Gurgaon on 13-12-89 and he admitted in writing that he did not make payment of Rs. 20,000 to Shri Chaudhary. However, the workman deposited Rs. 10,000 on 13-12-89 and balance of Rs. 10,000 on 16-12-89 in Bank to reimburse amount of Rs. 20,000 to the Bank. It was further alleged that thereby the workman misappropriated/converted into his own use

a sum of Rs. 20,000 and thereby also committed an act of gross misconduct within the meaning of clause No. 19.5 of the Bipartite Settlement. The chargesheet was replied by the workman and enquiry proceedings were held, the workman participated in the enquiry and also cross-examined the witnesses of the management through his defence representative. He also examined defence witness. Thus I find that there was no procedural error during the enquiry proceedings which can be said to have caused any prejudice to the workman, but after going through the facts and evidence of the case I find that the enquiry proceedings were conducted and dismissal order against the workman was passed ignoring the provisions of paras 19.2, 19.3 and 19.4 of the First Bipartite Settlement. According to the management the workman misappropriated the money, converted it to his own use which amounts to an offence of misappropriation and embezzlement punishable in law. According to the management it also amounted to gross misconduct within the meaning of para 19.5, sub clause (j) of the 1st Bipartite Settlement. Para 19.2 provides that "By the expression 'offence' shall be meant any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provision of Law"

9. Para 19.3 further provides :

"(a) When in the opinion of the management an employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted and in such a case he may also be suspended."

(b) If he be convicted, he may be dismissed with effect from the date of his conviction or be given any lesser form of punishment as mentioned in Clause 19.6 below.

(c) If he be acquitted, it shall be open to the Management to proceed against him under the provisions set out below in Clauses 19.11 and 19.12 infra relating to discharges. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full pay and allowances minus such subsistence allowance as he has drawn to all other privileges for the period of suspension, provided that if he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper, and the period of his absence shall not be treated as a period spent on duty unless the management so direct.

10. Para 19.4 provides that :

"If after steps have been taken to prosecute an employee or to get him prosecuted, for an offence, he is not put on trial within a year of the commission of the offence the management may then deal with him as if he had committed an act of "gross-misconduct" or of "minor misconduct", as defined below; provided that if the authority which was to start prosecution proceedings refuses to do so or come to the conclusion that there is no case for prosecution it shall be open to the management to proceed against the employee under the provisions set out below in Clauses 19.11 and 19.12 infra relating to discharge, but he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full wages and allowances and to all other privileges for such period. In the event of the management deciding after enquiry, not to continue him in service, he shall be liable only for termination with three months' pay and allowances in lieu of notice as provided in Clause 19.3 supra. If within the pendency of the proceedings thus instituted he is put on trial such proceedings shall be stayed pending the completion of the trial, after which the provisions mentioned in Clause 19.3 above shall apply."

11. Admittedly the matter was reported to the Police by the Management Authorities but the police did not take any step to prosecute the workman. There is also no evidence that the management took any other course to prosecute the workman for the offence of misappropriation/embezzlement/breach of trust which involves moral turpitude, the workman was also not put on trial within a year of commission of the offence. Therefore, in view of the provisions of paras 19.3(c) and 19.4 of the Bipartite Settlement, even if the charges against the workman were found proved and after enquiry if the Management decided not to continue the workman in service, the workman could only be, at the most, terminated with three months pay and other allowances, balance pay etc. Therefore, I find that the punishment of dismissal could not legally be awarded to the workman in the instant case. Admittedly nothing like three months pay, allowances and other amounts for the period of suspension was paid to the workman. Therefore, the dismissal order being against the provisions of Bipartite Settlement is illegal and improper.

12. The alleged act of misappropriation is said to have been done on 11-12-89. Shri A.K. Chaudhary the then Assistant Manager of the Branch was also a party in that matter as the balance amount of Rs. 20,000 which was

misappropriated was to be paid in cash to him. It is also said that the branch had lodged a complaint with the police against the workman and the workman was traced by the police at Gurgaon on 13-12-89. Thereafter the said amount was also admittedly deposited with the bank by the workman which was kept in suspense allowance. Thus no pecuniary loss was caused to the Bank. The suspension order was passed after about 17 days of the incident in question which was replied by the workman on 11-1-90 and the chargesheet was given on 25-5-90. Enquiry report was given on 26-12-92 and the impugned order of dismissal was passed on 15-4-93 by the Assistant General Manager. There is no explanation regarding delay in holding and completing enquiry. I find that the enquiry was conducted in utter disregard to the provisions of paras 19.2, 19.3 and 19.4 of the 1st Bipartite Settlement and passed the dismissal order arbitrarily against the provisions of Bipartite Settlement paras 19.3 and 19.4. Therefore, it cannot be said to be fair and proper. The Issue No. 1 is answered accordingly.

ISSUE NO. 2

13. I have already found above that the enquiry was conducted against the provisions of paras 19.2, 19.3 and 19.4 of the 1st Bipartite Settlement and the dismissal order was passed against the provisions of the Bipartite settlement. Hence, it is vitiated, therefore there is no justification to allow the management for adducing any further evidence in support of the charge levelled against the workman. The order of dismissal was illegal and against the provisions of above mentioned paras of the Bipartite Settlement. The enquiry proceedings were conducted ignoring the provisions of Bipartite Settlement and awarding the punishment of dismissal which vitiated the enquiry proceedings. In view of the said provisions of the Bipartite Settlements, order of dismissal could not be legally passed against the workman. Hence, it cannot be sustained and is liable to be quashed.

14. In view of the above discussions, I find that the action of the management of Syndicate Bank in dismissing Shri B.K. Arora, Clerk, from the services of the bank w.e.f. 15-4-93 is illegal and unjustified. Hence, it is liable to be quashed and consequently the workman is entitled to be reinstated with continuity in service alongwith all other consequential benefits except any amount of back wages in the circumstances of the case. The Management of bank shall reinstate him in service within two months after publication of the award. Parties shall bear their own costs. Award is given accordingly.

Dated : 7-5-2004

B.N. PANDEY, Presiding Officer